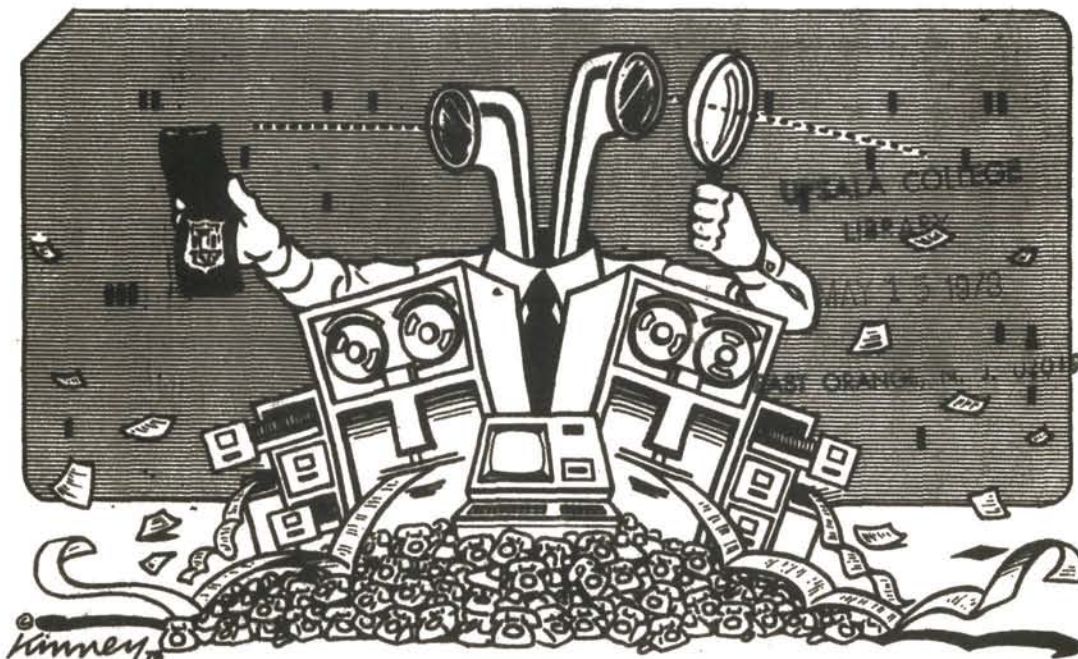


LIBEL, A WEAPON FOR THE RIGHT **ISIDORE SILVER**

THE NATION

MAY 20, 1978

60 cents



Intelligence on the Attack **THE TERRORIST AS SCAPEGOAT** **Frank Donner**

The Israel-South Africa Connection
NICHOLAS R. BURNETT

'The Cops Took
Momma Off Last Night'

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LETTERS

power of art

New York City

One hesitates to intrude upon E.L. Doctorow's lofty reflections on the responsibilities of the novelist [*The Nation*, Apr. 22] but his remark that Marxist literary theoreticians condemn fiction, as a matter of principle, because it tends to preserve the existing power structure should not pass without protest. Surely Mr. Doctorow is too sophisticated to believe that overzealous literary leftists of an earlier time are representative of authentic Marxist criticism. Serious Marxist aestheticians and critics—e.g., Plekhanov, Lukács, Caudwell, Max Raphael, Walter Benjamin—have ever stressed the tension between the conservative and revolutionary potentialities of art. Thus (and typically) George Thomson writes: "The arts are conservative of the social order, in that they relieve the pressure on its members, but at the same time they are subversive, because they promote a recurrence of the stresses which they stimulate in order to relieve" (*Aeschylus and Athens*). True, there is a Marxist current stemming from Bertolt Brecht (and his voice remains an influential one) that sees traditional, affirmative art as essentially narcotic in its effect, tending (in Marcuse's phrase) to "anaesthetize the terror" of social evil by its redemptive imagery and cathartic function. But no Brechtian will condemn art as such; indeed, Brecht's thrust is toward the creation of modes and techniques of literary expression that will counteract the claimed palliative effects of cathartic art.

It is curious that Mr. Doctorow projects his own melancholy assumptions ("art doesn't change anything"; "all the anti-Fascist poems of the 1930s did nothing to stop Hitler") onto Marxist theory. For lamentations on the impotence of art are rarely found among Marxists; they often, indeed, ascribe rather excessive powers to art. . . .

Maynard Solomon

Indian sign

Rosenhayn, N.J.

Having read Shelton Davis's letter on genocide in Brazil and Steven Ferry's article on Carter's nuclear agenda, [both in *The Nation*, Mar. 18], I have made one of my usual paranoid free associations. . . .

Where I live, I'm bracketed by nukes: Salem One and Two, Oyster Creek to the north, Limmerick (in Pennsylvania); Hopewell One and Two (proposed), and the ever mythical dozen floating pieces of suicide technology off Atlantic City (proposed). I'm rather sorry my parents are leftist progressives rather than wacko right wingers, the kind who built fallout shelters, because when Cumberland County gets dosed, it's going to be by PSG&E and not the Russians.

The reason for this sorry state of affairs—the risk of nuclear genocide—is much like that which is abolishing the Indians of Brazil and other South and Latin American countries: a blind conspiracy among governmental officials, corporate boosters and an all-too-silent majority content to be bought off with promises of material reward for keeping their eyes, ears and mouths shut. The pursuit of profit, whether it be in Brazil or Trenton, will be the epitaph of humanity.

Roger Merle

subscriber's choice

Venice, Calif.

Thank you for publishing so fine an article as Philip Green's review of *Two Cheers for Capitalism* by Irving Kristol in your Apr. 1st issue. It is why I subscribe to *The Nation* and not to *Commentary*.

Irving Collon

EDITORIALS

Notes in a Bad Week

Frank Donner (p. 590), who reminds us that professional patrioteers have always called for intensified intelligence activities, shows how they now would substitute *The Terrorist for The Subversive* to justify repression and increased dependence on a secret political police.

Melvin Wulf (p. 589) tells us that the recent Supreme Court decision in *First National Bank of Boston v. Bellotti*, which on the surface extended First Amendment rights, in fact contributed to the danger of corporate domination of the political system.

Isidore Silver (p. 594) shows how Roy Cohn and others identified with the political Right have discovered the libel weapon as a way to intimidate and perhaps ultimately silence their media critics.

And as we went to press, *The New York Times* revealed on its front page that Textron had destroyed information showing it had paid a \$300,000 bribe to Ghanaian military officials, its shredder having been used for that purpose one day after G. William Miller, former chairman of Textron, was asked about the transaction at his Senate confirmation hearings to be Federal Reserve chairman.

Suppression of the truth, or the facts about a given situation, remains as the principal temptation of the powerful. If they can only control information about their activities, they are beyond the reach of their critics. So much for the negative side of the equation, but on the other side they find it useful to discover new threats to the system that require intensive policing.

On the international scene, much is known about the world's arms and their "balance," despite the aura of secrecy that surrounds the defense establishments of the great powers. The public knowledge of this vast destructive apparatus has not yet helped to control its growth. We devote next week's issue entirely to the question of arms and the hope of disarming as the United Nations Special Session on Disarmament (UNSSOD) convenes in New York. Such deliberations in the past have produced no miracles and UNSSOD is unlikely to. But, at the least, this session will underline the concerns of the world with an arms race that escapes civilized control.

Carter Rejiggered

The new model Carter has been unveiled in the nation's public relations showrooms. It is not the 1979 model, like its car counterparts now being tooled up, but the 1980 model. Its name could be the Election Special, or, skipping the off-year campaign, the Re-Election Special.

The rejiggering of the President has produced a "new, forceful style," according to *The New York Times* reporter who covered the Western tryout. The President himself is described as "jubilant" at the road test results. He liked what he said and he liked how his audiences received it.

Should Americans conclude from this demonstration

that there really is a new Carter? And, if so, should they be pleased that the old Carter has been scrapped? The answer would seem to be no in both cases. Common sense tells us that people don't change their characters and that we should be wary of sudden new postures—for that is all that abrupt transformations of behavior can amount to. The President and his advisers, after well-publicized searching of souls and polls, have decided that they can reverse the downward spiral of his popularity if he acts differently than he has been acting since he entered the White House.

Experience of failure is, famously, the great teacher, and Carter and his aides have compiled quite a syllabus for this course. The lesson they seem to have absorbed, however, is entirely a matter of style, not substance. His free-swinging, neo-Populist, anti-establishmentarian manner worked very well when he campaigned, didn't it, so why not revert to it now? Add a pinch of "decisiveness" to the campaign approach and you have the new Carter. This means that he will pick his immediate objectives more carefully, limiting their number, and then not bend or compromise at the first puff of opposition. He will risk defeat by Congress and perhaps even glory in it, extracting a political profit. Or so he must hope.

One of the troubles with this new tactic is that it is based on the notion that voters have the shortest of attention spans and really no memory at all. The President who has fawned on businessmen and financiers in the hope that they would selflessly grant him their "confidence" and thus revitalize a faltering economy cannot expect Americans to take seriously his attacks on lawyers and doctors in their corporate capacities. They are bound to see this kind of talk as sheer demagoguery and to discount to a cut-price level his claim to be "a spokesman for the client and the medical patient and the student in the classroom, the elderly person, the mentally ill person."

And he and his staff seem to have forgotten that the narvels of modern communication make it most imprudent to declare on one day, as he did in Colorado, that nuclear power is "wasteful and incompatible with the hopes and ideals of American people," and then, next day in Oregon, to tell a press conference that "our national policy is to permit the planning, siting and construction of nuclear power plants." Does he truly believe that he can have it both ways? If so, one must add to the mix of his character an enormous capacity for self-delusion.

A more likely explanation is that the new Carter contains a high proportion of the old, pre-Presidential Carter, the candidate who clumsily but successfully managed to straddle the abortion issue during the Iowa caucuses of early 1976 and whose fork-tongued pronouncements on natural gas deregulation later on in the primary season held things together for him in Texas. If he could somehow get away with that kind of waffling as a candidate, why won't it work now that he is President? The answer is that is that Americans can forgive a kind of behavior in a candidate that they find unpardonable once they have put the man in office.

Jody Powell, the President's press secretary and a member of his inner circle, told Washington reporters after the Western campaign swing that the new policy

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would be to abandon the "conventionalism" (whatever that is) that he adopted when he was inaugurated, and that from now on he would not err "in going too far in the direction of conciliation." That does not sound exactly like a blueprint for effective Executive or political action by a President acting on deep convictions. It suggests that the new Carter is just the old Carter in a slightly new guise.

The U.S. Snubs the U.N.

Later this month hundreds of diplomats will converge on New York City for a special five-week session of the U.N. General Assembly to be devoted entirely to the problems of disarmament. That any concrete steps can emerge from this international convocation is quite problematical. As William Kincade of the Arms Control Association argues below, the Carter administration, for one, appears less than prepared to present any substantive disarmament proposals. Next week, The Nation goes to press with our special disarmament issue which we hope will contribute to a long-overdue dialogue on a matter of crucial importance to the world community.

The U.N. General Assembly's Special Session on Disarmament, scheduled for May and June, is being convened largely at the initiative of the nonaligned nations, who are particularly anxious to examine the relationship of arms races to economic development. The Special Session is not a negotiating forum; it is seen as a means of concentrating international attention and energies on finding methods for halting the numerous arms rivalries and buildups now in progress around the globe—competitions which increase the probability of armed conflict without necessarily increasing the security of the nations involved.

With only a short time remaining before the session convenes, however, the United States had neither developed its position for the Special Session nor appointed delegates to attend it, though delegates have already been appointed for the U.N. Conference on Science and Technology for Development, scheduled for 1979. In addition, U.S. preparations for the Special Session are the responsibility of a handful of capable but overworked professionals with relatively little access to the White House—in sharp contrast to the staff resources committed by the United States to other arms control efforts and to the preparatory activities undertaken for the Special Session by far smaller states.

As the original developer of atomic and thermonuclear weapons, as the leading innovator in military technology, and as the world's largest purveyor of conventional armaments, the United States has a special need and responsibility to demonstrate its pacific intent and its commitment to global, not just superpower, arms control by promoting progress toward effective arms limitation in the Special Session. In view of the administration's interest in arms control generally and of President Carter's inaugural pledge of "perseverance and wisdom in our efforts to limit the world's armaments to those necessary for each

nation's domestic safety" and "the elimination of all nuclear weapons from this earth," this lack of attention to the Special Session creates an increasingly unfavorable impression and raises questions about these commitments.

Moreover, while limited multilateral or bilateral forums are generally thought to be the best way to negotiate arms control agreements, there are no lack of sound, practical ideas or opportunities for American initiatives at the Special Session. Among the recommendations for action are:

- Increase efforts to conclude with the Soviet Union and the United Kingdom a comprehensive nuclear test ban treaty, so as to damp down both the "vertical" and the "horizontal" proliferation of nuclear weapons. In the absence of an agreed draft before the Special Session, the United States could independently declare it would refrain from underground nuclear tests for a specific period or until the details of a treaty have been worked out.

- Announce U.S. willingness to forgo or restrict research on "directed energy weapons" and other exotic technologies, pending negotiation of a new "preventive" treaty designed to supplement the Outer Space Treaty of 1967 by addressing the new possibilities for warfare in outer and inner space opened up through innovations not clearly foreseen ten years ago.

- Hasten the conclusion of the two-year-old talks aimed at drafting a long-overdue treaty banning the production and stockpiling of chemical weapons.

- Announce a U.S. halt in the production of fissile material for weapons purposes, pending completion of an international agreement to stop such production worldwide. The United States could increase the value of this initiative by announcing the deactivation of obsolescent nuclear warheads to release some 1,000 tons of reactor fuel for use in nuclear power plants, as recommended by Energy Secretary James Schlesinger and by Harold Agnew, director of the Los Alamos Weapons Laboratory. Both of these measures support President Carter's non-proliferation program.

- Announce a government program to stimulate investment in alternatives to defense production, so as to permit operation of President Carter's program for reducing conventional arms transfers and to decrease the costs of excess capacity in the munitions industry. It has been estimated by the Defense Department that overcapacity in aerospace production facilities alone is costing the taxpayer on the order of \$400 million annually.

- Establish an independent but government-assisted research facility or International Arms Control Institute to propose, among other tasks, international arms control impact statements on weapons developments and sales, and to foster arms control research centers in other regions of the world.

In many areas, arms control has reached an impasse. The reasons for this often have less to do with negotiating problems, though they can be formidable, than with lack of leadership. The U.N. Special Session, though not a negotiating forum, offers opportunities for such leadership to emerge.

No other nation can do as much as the United States to break through the impasses that currently exist. As

William Kincade is executive director of the Arms Control Association, a nonpartisan, national membership organization.

the leading creator and exporter of weapons, nuclear and conventional, this country has a special obligation to act decisively, self-confidently and positively. While the initiatives outlined above by no means exhaust the rich menu of options available to the United States, they represent the kind of practical, confidence-building measures that have a good chance of inducing other nations to take similar or reciprocal steps. In addition, none of the measures suggested involves any significant national security risk; indeed, they are likely to promote national security, especially if reciprocated in kind.

Many of the Carter administration initiatives in arms control, on the other hand, have appeared—rightly or wrongly—to other countries as one-sided, requiring of them more than they require of the United States. This was the Soviet reaction to the proposals of the March comprehensive Strategic Arms Limitation Talks. Carter's initial nonproliferation policy and his request for restraint on other arms exports have elicited the same kind of negative response from countries with large energy deficits and from the Europeans in particular, who feel they stand to lose far more comparatively from the kinds of self-denial commended by the President. The

American initiatives to date have led to the view that United States policy, at best, is blinded by characteristic self-righteousness or, at worst, is cynically motivated by economic self-interest.

If the administration is serious about its arms control initiatives, it must take further steps to dispel the impression that the United States seeks disarmament only for the other nations of the world. Especially, it seems clear, the United States must take some quite significant initiative in the nuclear weapons area, if it expects other nations to follow the lead of President Carter's nonproliferation or conventional arms export policies. Leadership can no longer be exercised with an attitude of "Don't do as we do, but do as we tell you."

The U.N. Special Session offers the opportunity, if it is not already too late, for a dramatic demonstration of intent, of commitment and of good faith. It will be unfortunate if the United States forgoes this chance to back up its declaratory policy with examples of positive leadership in the field. It will be especially sad, in view of the importance of these undertakings (as President Carter has repeatedly confirmed) to our own and the world's future security.

You and I and Corporate Management

Melvin Wulf

By a 5-to-4 majority, the Supreme Court announced on April 26 that business corporations have the same right to free speech as you and I. Eighty years ago, when the Supreme Court announced that corporations had the same due process rights as you and I, it condemned workers and the public to another thirty years or so of predatory business practices, until FDR's Supreme Court renounced 19th-century constitutionalism. Thanks to last month's decision in *First National Bank of Boston v. Bellotti*, we can expect at least a few more decades of enhanced corporate influence over the political process. Richard Nixon, whose appointees dominate the Court, may have the last laugh after all.

The statute involved in the *First National Bank* case prohibited corporate expenditures "for the purpose of . . . influencing or affecting the vote" on any referendum proposal except those "affecting any of the property, business or assets of the corporation." The case arose when the bank moved to assert its right to support a campaign against a proposed amendment to the state constitution that would allow imposition of a graduated personal income tax in Massachusetts. In an opinion by Justice Powell, the Supreme Court held the statute unconstitutional.

After reviewing leading Supreme Court decisions which protected the First Amendment rights of the NAACP, political dissidents, newspapers and film companies, and discussing the important social interests protected by the Constitution's free-speech clause, Powell concludes that corporate speech "furtheres the societal interest in the

'free flow of commercial information,' and is therefore protected by the First Amendment. The opinion gives only superficial consideration to the danger of corporate domination of the political system.

It also gives short shrift to the fundamental distinction between the freedoms that should belong to individuals and groups of individuals who express ideological positions divorced from profit or loss statements, and to corporate expression that has no purpose except to increase profits.

Justices White, Brennan and Marshall dissented in a joint opinion. Justice Rehnquist dissented separately. The joint opinion captured the essential argument against extending the protection of the First Amendment to commercial business institutions. Since corporations, as artificial entities created by law, are the beneficiaries of special rules to increase their economic viability, they can be prohibited from using the wealth amassed under state protection to participate in the political process. "The State need not permit its own creation to consume it," White said. He pointed out, of course, that individual stockholders or corporate managers are free under the First Amendment to use their own money to express opinions on every public issue, including those that affect their businesses, or business in general.

The *First National Bank* decision, a decisive victory for corporate power, has ominous consequences for both politics and law. Now that corporations have the same First Amendment right as you and I to spend money to affect the political process, the huge assets of the corporations will be used increasingly to support pro-business interests. Taken together with the Supreme Court's 1976 decision holding limits on political contributions uncon-

Melvin Wulf practices law in New York City. He was for fifteen years legal director of the American Civil Liberties Union.

stitutional, the entrenched political power of the rich has been significantly reinforced.

The serious legal significance of the *First National Bank* decision concerns First Amendment doctrine. Essentially, it is this: if, as the Court says, the First Amendment rights of corporations and individuals are identical, then application of the principle must also be identical. The inevitable result is either that individual free-speech rights will shrink so that we all suffer, or that corporate free-speech rights will expand—so that we all suffer. One example, adequate if not perfect: it is now a fundamental principle, though it hasn't always been, that the state cannot suppress the circulation of, say, Socialist doctrine on the theory that it is, or may be, a threat to the political status quo, or that it is "fraudulent." At the same time, it is equally basic that corporate advertising is subject to limits, either because some products, cigarettes for example, are thought to be physically harmful, or that claims for some products are thought to be fraudulent. Those two divergent principles cannot exist side by side in the law's quest for symmetry, if both corporations and individuals are to share the same degree of protection under the First Amendment—especially when judges feel more strongly about corporations than they do about individuals. One of the principles must yield.

The one answer that serves the interest of the vast majority of the people is rejection of the concept of com-

mercial free speech, because activities designed to produce goods and services required for human life must be subject to the power of unlimited regulation in order to serve society's best interests. To bestow the protection of the First Amendment upon business cheapens its purpose.

I have one reservation and one paradox.

Corporations which serve as the vehicle for communication of information and ideas, and for cultural and artistic activities—newspapers, books, journals, art and films are some examples—must have special protection because of their intrinsic nature. This magazine, for example, though a business in corporate form, must be treated differently than Mobil Oil, which is also a business in corporate form. The difference is that government must be kept at all costs from regulating *The Nation's* business of publishing and be required at all costs to regulate Mobil's business of producing oil.

My paradox concerns Rehnquist's dissent. He is the Court's hard-line right winger and he has no taste for the idea of liberty. Do not think that in dissenting with White, Brennan and Marshall he has been converted to a liberal position on the right to regulate corporate speech. His position rests on the belief that the Constitution allows the states to suppress *everyone's* speech, including corporations. It is what he blandly calls his "limited application of the First Amendment to the States." He remains a menace to all of us. □

INTELLIGENCE ON THE ATTACK

THE TERRORIST AS SCAPEGOAT

FRANK DONNER

Thanks in large part to the war in Vietnam and the squalor of Watergate, there has developed in this country a political movement temporarily hostile to the assumptions and processes of the intelligence agencies. As a result, American society is freer and more open today than it was ten or fifteen years ago. But repression has itself been repressed before in this country and lived to return upon us. There was an exposure of abuses to democracy in the 1920s, after the post-World War I hunting of radicals, but by 1930 the Fish Committee was able to rally a national counter-subversive constituency. The professional patrioteers have always called for intensified intelligence activities, and Fish was followed by Martin Dies, J. Edgar Hoover, the cold war that spawned McCarthyism and finally the frenzies of the 1960s. One must recognize, therefore, that the prospect for a revival of traditional political intelligence activities is quite realistic—that, in fact, present conditions favor it.

Intelligence as a means of containing movements of change is simply too powerful a weapon in a highly

Frank Donner is director of the American Civil Liberties Union research project on political surveillance and author of a forthcoming book on the subject (Knopf).

conservative economic and social order to be lightly abandoned. The continuing worldwide erosion of capitalist economic and social structures has placed a new urgency on the defense of the status quo, and intelligence, a process inherently secret, is an almost inevitable weapon of choice for a political order restrained by constitutional norms from taking direct and overt repressive action.

But how is such a revival of now discredited practices to be achieved? The trump card of intelligence is the *demos*: the agencies claim to act on the authority of a public that fears unseen foes—domestic Communists, foreign agents—and will assent to whatever measures are deemed necessary to frustrate designs on a sanctified American Way of Life. This way-of-life constituency, mobilized against political change by social fears, has historically nurtured the FBI's power. And even today the agency continues to rely on that protection, citing a transcendent "responsibility" to "society" or the "American people" as its defense against charges (typically condemned as "political") of abuse of power.

American conservatism—today called the New Right, though it is hardly new—is at root a politics of fear and negation. It cannot function without an enemy, a hostile "they," a scapegoat. Perhaps from overuse, the Communist menace, in its familiar guises, has consider-

ably lost the power to chill. The presence of foreign spies is still being alleged to justify a free hand for the intelligence agencies, but those that have been exposed are seen to have operated at a level too modest to create a sense of national danger. Fortunately for security bureaucracy and its New Conservative constituency, a more promising scapegoat is at hand.

The primary contemporary candidate for expanded intelligence operations is terrorism, a phenomenon that has profoundly shocked popular consciousness in all countries of the West, even in those that are not theatres of terrorism. Its intent as a tactic is to generate fear and it has succeeded.* Like the word "subversive," "terrorist" has acquired vague and sinister overtones which recommend it for use in creating a climate favorable to the renewal of counter-subversion. This semantic murkiness is coupled with the fact that tactics associated with terrorism (hostage taking, bombing, skyjacking) are used in nonpolitical crimes, and that terror may be an intended element of such crimes, as in the case of kidnapping, robbery, extortion and rape. Thus bank robbery, the seizure of an airplane by a criminal fugitive, or the bombing of a gangster's car sow images that reinforce the consciousness and heighten the fears of political terrorism. Exploitation of terrorism as a major tactic in a psychological warfare campaign to restore intelligence recalls the saturation technique of the *pieds noirs* in their 1962 attempt to force a reversal of de Gaulle's decision to pull out of Algeria. A major theme in this propaganda assault is the warning that we have been left defenseless against European-style terrorism by Left-led dismantling of our intelligence structures. Scenarios of helplessness to prevent a seizure of the Capitol by a handful of *enragés* are floated in Congressional testimony. Aldo Moro's murder is attributed to Communist insistence on curbing Italy's political surveillance capability.

Political terrorism in its modern form—politically motivated exemplary violence, indifference to human life, symbolic targets, the intended creation of overwhelming fear—is not a serious problem in the United States. As pointed out in a 1976 report by the Task Force on Disorder and Terrorism of the National Advisory Commission on Criminal Justice Standards and Goals, not only has domestic terrorism been just that—totally divorced from such activities in other countries—but "it has been neither sustained nor effective." Moreover, the report concludes, "conditions in the United States do not seem to indicate a massive expansion of terroristic activity or radical change in its nature or its extension into formal guerrilla warfare."

There are other obstacles to the use of terrorism as a counter-subversive battle cry against the Left. According to the Task Force's chronology (1965-76) of incidents involving political violence, a substantial number are

* According to a December 5, 1977 Harris survey: 90 percent of Americans view terrorism as a serious problem; 76 percent see the reason for the growth of terrorism as "countries of the world have been too soft in dealing with terrorists." By 55 to 29 percent, Americans would support a "special world police force which would operate in any country to investigate, arrest and put to death terrorists"; by 55 to 31 percent, Americans favor the death penalty for terrorists.

attributable to right-wing and racist sources and thus useless as documentation for a counter-subversive offensive. Moreover, many groups linked to violence at both ends of the spectrum were transient products of the 1960s and are now defunct. And the problem is further complicated by the fact that groups on the Left which are oriented toward violence have a cultist nonideological thrust that resists even the most strained application of the "Communist" label. In this less than satisfactory situation, the intelligence propagandists nevertheless retain the Communists as a target on the ground that their present disavowals of terror are merely tactical deceptions to be abandoned when the time is ripe.

The propagandists also insist, despite a total lack of evidence, that the domestic version of terrorism is a manifestation of a worldwide phenomenon rooted in a shared ideology. The German Red Cells (successors to the Baader Meinhof gang), the Italian Red Brigades and the PLO are, so the argument runs, constituents of a common conspiracy which also embraces domestic groups such as New World Liberal Front (NWLFF), Red Brigade and Weather Underground, all California-based. Improved channels of communication and financial support (from the Soviet Union) will in the future, it is alleged, establish the now-hidden connections between the domestic bombers and their transnational counterparts. Even if the threat is still inchoate, special intelligence initiatives are required to monitor and prevent its emergence; considering the gravity of the danger, it would be foolhardy to wait. Ideology satisfies a second, equally important, need: it preserves the expansive process of imputation developed by domestic intelligence over the past four decades. A nonterrorist organization can be tagged for surveillance as a terrorist front, a support group, a defender, a source of cadres, a suspected protector of fugitives; or—because it fails to denounce terrorism with sufficient vigor—as an apologist.

To maximize its leverage, the specter of terrorism must be tied to revolutionary violence, to "communism"—for it is precisely the image of bomb throwers that is identified in the nativist consciousness with revolutionary communism. Although historically an anarchist political tactic, bomb throwing has been popularly associated with all revolutionary movements. The 1919 bomb scares engendered the stereotype of the revolutionary, the bearded Bolshevik, armed with a smoking bomb. To be sure, the minuscule corps of left-wing bombers concentrate on property and seek to avoid injury to persons, thus falling short of the "reckless disregard of human life" formula of the 1920s. But that is a detail.

The preservation of the affective power of anti-communism at the grass roots has obvious value beyond enlisting popular support for domestic surveillance. More broadly, it consolidates a constituency in defense of capitalism and support for hawkish foreign policies and huge military budgets. Such political returns could hardly be expected from the modest political realities which establish that domestic terrorist groups have limited aims (prison reform, ecology, health care, reduction of utility rates) and that, historically, political violence in this country has not been insurrectionary in intent, although

bombings are frequently announced in the febrile rhetoric of revolution.* The terrorist group in this country with the most extensive bombing record is the nationalist anti-colonial FALN which seeks Puerto Rican independence and is notorious for its unique indifference to personal injury and possible death randomly inflicted by bombs planted in public places.

Despite these briefly summarized difficulties, intelligence apologists have, over the years, tried to graft terrorism or violence on this or that version of communism. In 1968 an HISC report, "Guerrilla Warfare Advocates in the United States," attributes much of ghetto violence of the 1960s to a network of schools set up behind the iron curtain to train U.S. Communist Party members in urban guerrilla tactics. No evidence was offered to support this contention, the absence of proof being explained by "court decisions which have nullified effective U.S. controls of the international movement of American Communist agents." Similarly, a 1973 HISC staff study concluded that kidnapping had become a favored political tactic of Marxist-Leninists. This version of domestic terrorism as the new communism, the menace in modern dress, is reflected in a bill submitted by Senators Thurmond and Eastland which seeks to amend (and incidentally revitalize) the dormant Internal Security Act of 1950 by inserting a new title dealing with terrorism. The substantive provisions of this new statute are prefaced by proposed Congressional findings that the entire world, including the United States, is threatened by a conspiratorial network of terrorist groups which receive training and logistical support from Marxist-Leninist governments and aid from subversive individuals and organizations in this country. This vast conspiracy, the statute declares, is designed to overthrow democratic governments everywhere and establish "a dictatorship of the proletariat under Marxist-Leninist doctrine." Both the objectives and the tactics, the findings conclude, constitute "a clear and present danger" to the lives and liberties of U.S. citizens and to the government of the United States and to state and local governments. Never has so little been used to justify so much.

The alarm concerning terrorism is not confined to the anti-radical grass-roots sector—it resounds throughout the law-enforcement community. With emergence of kidnapping as an occupational hazard of American businessmen abroad, detective and consultant agencies have developed new counter-terrorist specialties which include intelligence programs, surveillance-detection training and the organization of crisis management teams. One of the smaller agencies in the field, Rayne International, grosses \$1 million a year and issues a monthly newsletter, "Counterforce," to keep its clients abreast of all aspects of counter-terrorism. According to Richard Kobetsky, director of Behavioral Research for the International Association of Chiefs of Police (IACP), counter-terrorism is "one of the fastest growing businesses in the country . . . a cash-in opportunity." Large corporations

have organized their own security seminars and training programs to deal with terrorism. A document prepared by the IACP, under contract with IBM's Security Department, stresses the need to develop a comprehensive counterintelligence program, including dossiers on potential bombers, kidnappers and extortionists. It adds that, since IBM has "successfully resisted unionization, likely specific radical efforts will center on attempts to organize and manipulate IBM workers." (The corporation repudiated the document after it was published as not reflecting management policies.) Recently James R. Shepley, president of Time, Inc., charging that American journalism is threatened by terrorism, cited the bombing of a journalist in Phoenix and the beating of a reporter in New York's Chinatown. Earlier, *Time* had denounced letters protesting a story from members of Synanon, a drug rehabilitation group, as terrorist threats.

Terrorism has also become a priority concern in government circles. A number of established and ad hoc bureaucracies, headed by a twenty-six-agency Working Group on Terrorism under the direction of a smaller Executive Coordinating Committee of the National Security Council, have emerged to deal on policy and operational levels with existing and potential terrorism. It is assumed, for example, that airplane hijacking and hostage-taking exploits similar to those involving West German and Japanese airliners at Mogadishu in Somalia and Dakar in Bangladesh will soon occur here. Preparations for this and other contingencies cover three areas: intelligence/identification, negotiations/crisis-management and commando liberation, an area for which the Defense Department has already organized a special assault capability. In all the studies of potential terrorist threats in this country, many of them financed by the Law Enforcement Assistance Administration (LEAA), the common theme is "intelligence is the first line of defense." Combating terrorism by developing intelligence resources is also a top FBI priority. The bureau has restructured its domestic intelligence operations in a new Domestic Security-Terrorism Section of the Criminal Investigative Division. In Congressional testimony and at a press conference in March 1978, Director William H. Webster stated that the "Bureau's domestic intelligence unit was under instructions to identify groups and movements with a potential for terrorism so as to be prepared for its emergence as a major factor in this country." Meanwhile, FBI brass instruct businessmen in "How to Protect Yourself Against Terrorists"; a special anti-terrorist course has been instituted at the bureau's academy in Quantico, Va. and a hot line installed for instant advice.

Federal intelligence preparations and activity have been especially intense in the nuclear field. The fear of "high technology" terrorism has produced intelligence units within both the Nuclear Regulatory Commission (NRC) and the Department of Energy. The NRC Intelligence Assessment Team (IAT) has developed an interface with all other radical-watching elements of the domestic intelligence community. However, the present intelligence efforts by both the Energy Department and the NRC are not focused in suspected terrorism but on monitoring the anti-nuclear movements and activities of environmental-

* As Richard H. Hofstadter has noted (in Hofstadter and Michael Wallace, eds. *American Violence: Documentary History*, Vintage Books) "An arresting fact about American violence, and one of the keys to an understanding of its history, is that very little of it has been insurrectionary. Most of our violence has taken the form of action by one group of citizens against another group, rather than by citizens against the State."

ists and others concerned about nuclear proliferation. The IAT communicates such intelligence to utilities involved in nuclear projects, which themselves have become increasingly committed to surveillance programs, not for defense against terrorism but to spy on and neutralize their opponents. The Georgia Power Co., for example, has justified its surveillance activities against a consumer protection group on the ground that it is defending itself against "subversives," defined as "anyone who speaks out against Georgia Power." A major goal of the intelligence community—both public and private—is (ironically enough) to put terrorist trousers on nonviolent anti-nuclear protest movements. A clue to this priority is the marketability of such intelligence, as seized upon by a pseudo-Left sect, the United States Labor Party (USLP), in its attempt to enlist intelligence aid against its rivals. The USLP's collaboration with the New Hampshire state police in fingering the nonviolent anti-nuclear Clamshell Alliance as a terrorist front is a matter of record. Subsequently, the USLP published "Carter and the Party of International Terrorism," which claims that a terrorist apparatus, together with an array of government agencies, foundations and research institutes, along with the Rockefellers, is plotting a world nuclear holocaust.

In addition to private detective resources, utilities such as Georgia Power work closely with local police units which, as in the past when the federal presence was reduced, continue to conduct traditional anti-radical intelligence operations. These units have not escaped the criticisms and pressures that have forced a retreat in federal intelligence activities but, to an extent now not possible on the federal level, they have invoked law enforcement, peace-keeping and counter-terrorism as covers for their long-established radical watching. Courses in counter-terrorism—in at least one instance financed by the LEAA—have been incorporated into local police training curricula.

It seems plain that, as in the past, these urban intelligence units, using deceptive covers, will dominate political intelligence, at least until a federal presence is fully restored. Today, the cities and states are where the power and culture of counter-subversion holds undiminished sway. Surely it is a portent that in the 1978 race for governor of the nativist heartland, California, the two leading contenders for the Republican nomination are Los Angeles Police Chief Edward Davis, a general in the war on political and cultural dissent, and Atty. Gen. Evelle Younger, a one-time bureau agent who was involved in the 1941 Bridges wiretapping. (A third candidate is state Sen. John Briggs, a crusader against "gays, grass and godlessness.") Despite promises of reform and the shredding of files, a Los Angeles Police Department team in March 1978 invaded the City Council chamber to take still and videotaped photographs of witnesses against a proposed nuclear power plant. A claim that the picture-making was for purposes of police training was later admitted to be false.

The themes of decentralization and concealment of the political intelligence function are exemplified by a unit under Attorney General Younger's direction and control,

the Organized Crime and Criminal Intelligence Branch (OCCIB). Founded in 1970, ostensibly for "controlling and suppressing organized crime," it has devoted much of its resources to data collection on the backgrounds of leftists such as Joan Baez and Jerry Rubin. When the heat rose, its former targets ("revolutionaries," "subversives" and "militants") were metamorphosed into "terrorists." In 1975 it broadly characterized prison reform groups as "effective conduits of terrorist-type activities." OCCIB agents and affiliates infiltrated Chavez's United Farm Workers and the Abalone Alliance, a nonviolent, anti-nuclear group. The official in charge of the latter operation had been a lecturer in an OCCIB course on terrorism and "particularly [on] groups operating under the cover of a legitimate front . . . or legal activity." As for its claimed organized crime mission, the California Legislative Analyst's Office has repeatedly noted, in its annual evaluations, OCCIB's continuing focus on the activities of "militant groups and motorcycle gangs far removed from 'organized crime' activity for which the unit was established."

The OCCIB is the coordinating component of a nationwide intelligence network, the Law Enforcement Intelligence Unit. Organized in California in 1956, the LEIU was conceived primarily as a counter-subversive national structure, a network for the exchange of dossier-type information about radicals and radicalism. Urban intelligence units and the strong personalities who led them had formed the group in an attempt to declare a measure of independence from the FBI, which then dominated the field, and to restore urban operations to its former prominence. Although it comprises an estimated 225 representatives from major cities in the United States and Canada who are connected with law-enforcement agencies supported by public funds, LEIU insists that it is a purely private confederation of individuals with no official status or connection. While member agencies will respond to requests that they keep tabs on a mobile subject, LEIU's main interest is information exchange. Until the early 1970s its ideological preoccupation was unconcealed: information about dissidents was regularly exchanged at regional meetings where also speakers lectured on subversion and the funding of radical groups by foundations. This emphasis was suppressed when the group applied for funding to convert a portion of its manual file collection to the federal computerized Interstate Organized Crime Index (IOCI). Under a law-enforcement cover, it has gone on accumulating data about noncriminal and ideological subjects. A more open acknowledgment of the concerns which brought it into being awaits only a change in climate.

The LEIU has carried out another task of counter-subversive intelligence: the recycling of blown informers and undercover operatives. Douglas Durham says that, before the FBI recruited him as an informer against the American Indian Movement (AIM), he was detailed by the Des Moines police, through an LEIU arrangement, to work undercover for police departments in Lincoln, Neb. and Cedar Rapids, Iowa. His assignments included the surveillance of leftists.

The extensive investigations and reports on federal domestic intelligence in the 1970s have concerned themselves primarily with its excesses, the propriety of its

standards for initiating an investigation, its scope and techniques. These matters have been the subject of guidelines like those imposed by Attorney General Levi in 1976. But it is universally admitted that the FBI today, as in the beginning, lacks clear authority to engage in any domestic intelligence activities. Congress must face the issue whether to grant or withhold investigative authority that goes beyond established, clearly understood law-enforcement jurisdiction and enters the political sphere. Should the bureau have the power to select targets, groups and individuals on ideological grounds; accumulate background information on their noncriminal activities; conduct yearlong nonstop investigations (including informer infiltration) of key targets; surveil individuals solely because of their association with such targets—in short, engage in practices beyond the scope of conventional criminal investigations? The bureau and its Justice Department spokesmen have insisted that not the probability of violence (the criminal standard) but the mere possibility of violence, however remote, requires that Congress approve domestic intelligence activities. This bid for an internal security mandate is accompanied by assurances of oversight to prevent the abuses of the past by linking security investigation more closely to criminal law objectives.

Though the need for a more extensive authorization is asserted primarily on the ground of prevention, a November 1977 GAO report based on an audit of 319 current cases reaffirms earlier findings that the bureau's activities had yielded "few visible results. . . . Only a few cases produced advance information of planned violent activities useful in solving related criminal investigations." The GAO

also observed that it was possible the FBI's "continuous coverage" might in itself have prevented the implementation of plans for violence by extremist groups—a view unreservedly endorsed by the bureau. It is possible, but it would appear that the predictable abuse of intelligence power to chill and repress legitimate dissent far outruns its protective benefits, whether measured in positive or negative terms. Given a society programmed for fear, traumatized by three assassinations and reluctant to take the political risks necessarily entailed in a commitment to constitutional democracy, and given the political stake of conservatism in the social myth of subversion, the outcome of this debate is uncertain. What alone is certain is that the institutionalization of domestic security as a police responsibility in a country faced with long-suppressed tensions and poised on the cusp of upheaval will ease the path to reaction. The history of the modern state justifies the fear that the present climate may well nurture planned provocation of violence and bombing in the United States to justify repression and to increase dependence on a secret political police. Authoritarian repression along such lines is a goal of European-style terrorists, who hope to polarize a society and precipitate confrontation. And a home-grown version of terrorism would presumably also welcome such a response, even though deliberately instigated by the state. For terrorism, especially in its infancy, thrives on martyrdom and the kind of lunacy that is characteristic of America when it deals with its ingrate enemies. The possibility of such a development offers a grim perspective for the survival of democracy in this country. □

LIBEL, A WEAPON FOR THE RIGHT

ISIDORE SILVER

In early March, a New York State Supreme Court Justice upheld the libel count of a lawsuit filed by Roy Cohn against NBC in connection with last year's "docudrama," *Tail Gunner Joe*. Cohn's temporary victory in itself may not be important; he will probably lose at some point later in the litigation. But the judge's finding, when considered with a spate of other recent libel litigation, is of real significance. It seems clear that figures prominent on the political Right are increasingly attracted to the libel weapon as a way to penalize, intimidate, and perhaps ultimately silence their critics, especially those in the mass media. Libel has been a familiar, even traditional, conservative weapon in political and economic struggles, and it is not surprising that, today, William Buckley Jr. sues some of his more vitriolic critics, that complaints against the police are being increasingly met by civil charges of defamation against complainants, or that Roy Cohn has

chosen to litigate the tumultuous 1950s. What is surprising is that the landmark 1964 ruling of the Supreme Court in *New York Times v. Sullivan* has not defeated such suits (indeed, plaintiffs have often prevailed). The resurrection of libel by conservatives in a variety of situations raises once again fundamental questions of freedom of the press.

Understanding the arcane "law" of libel is not nearly so important as grasping the nature and politics of libel litigation. In retrospect, there is much to be said for Justice Goldberg's concurring view in *Sullivan* that there should be an "absolute, unconditional privilege to criticize official conduct. . . ." Had the Supreme Court adopted that position, at least the Cohn and police suit cases would have been untenable. Justice Brennan's majority opinion in *Sullivan* condemned the most notorious historical example of misuse of libel law by American public officials, the Sedition Act of 1798 which denied "the right of freely examining public characters and measures. . . ." He did not recount the multifarious instances of *state* (rather than federal) abridgment of the Madisonian principle that "free public discussion of the stewardship of public officials" is a fundamental attribute of self-government.

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Sullivan itself was but the latest example of an old theme. The plaintiff, a Montgomery, Ala. public commissioner in charge of the Police Department, was generously awarded \$500,000 by a local jury for loss of reputation because of some minor factual misstatements about police misconduct during a civil rights demonstration. In a footnote to the opinion reversing that award, Brennan noted that only about 394 copies of *The New York Times* were sold in all of Alabama and that less than 10 percent of these were in Montgomery County.

Despite the ringing language of *Sullivan*, the Court concluded that the First Amendment would be upheld by a rule immunizing not *all* criticism of the acts of public officials. Henceforth, only false and injurious statements made with *actual knowledge* of their falsity or in *reckless disregard* for truth would be actionable. Although three Justices would have gone further, the majority's middle-of-the-road approach was regarded as a daring break from the tradition that one was absolutely responsible for publishing all falsehoods of a defamatory (i.e., reputation damaging) nature.

As *Sullivan's* principles were extended to media discussions of "public figures," and as procedural protections for the media were so developed by lower courts as virtually to require the plaintiff to furnish overwhelming proof of intentional or reckless falsehood before libel cases could even be brought to trial, a true revolution occurred. Defendants' legal expenses were considerably reduced, and vigorous investigative reporting was encouraged. The 1960s also witnessed a secondary trend: courts began to find that liberals and radicals had indeed been libeled in situations where heretofore, either because of the law or popular (i.e., jury) sentiment, liability had been denied. Thus, "Communist" and even "Communist-sympathizer" epithets became as libelous (even more so) as were accusations of "fascism." Protection of the Left was also evidenced by the application of *Sullivan's* principles to prosecutions for criminal libel. Despite this development and despite some Burger Court decisions that tinkered with the definition of "public figure," *Sullivan's* principles still retain considerable vitality. Why then the accelerating conservative rush to litigate—and why now?

There are several reasons. For one, the libel threat can still readily be wielded by anyone wealthy enough and patient enough to gamble. Since our open-ended legal system encourages anyone with real or imaginary grievances to sue, litigation may be tempting—especially since it costs the defendant *something* to defeat even a frivolous claim. In addition, the ambiguities and silences of the Supreme Court play a role. For instances, Kemper Marley, Sr., a "shadowy" and allegedly powerful figure in Arizona political and economic life, recently commenced a \$150 million action against those investigative reporters who implicated him in the murder of Don Bolles; Marley may not even be a public figure under recent Supreme Court decisions, despite the fact that his name has arisen in sworn affidavits in the Bolles murder investigation.

And further, the *nature* of the presentation still (ap-

parently) makes a difference. Cohn's complaint calls *Tail Gunner Joe* a "biographical film" and argues that depictions of him, and comments about him in the movie were false and distortedly incomplete. It should be remembered that Cohn (fleetingly—or as the law would put it "incidentally"—depicted in the three-hour presentation, a circumstance that is totally irrelevant under present libel concepts) was a government official rather than a general public figure in the early 1950s. While Cohn *today* is probably subject to *Sullivan's* rules, since he is generally notorious and often thrusts himself into the vortex of public controversies (the "public-figure" definition in recent cases), there can be no question that he *was* precisely in the same position twenty-five years ago that *Sullivan* occupied in the 1960s. His suit has raised the issue of whether and how much artistic leeway can be safely taken in a fictionalized re-enactment of a critical public event. Even the judge upholding the libel count of the complaint admitted that the McCarthy era was "one of the most tumultuous in twentieth century American history. . . . Reputations were ruined and careers destroyed. Not until the Army-McCarthy hearings and the resultant vote by the United States Senate to censure the Senator from Wisconsin did some semblance of sanity return to the nation."

The reluctance to protect docudrama in this case reflects a general tension between the law of libel and the emergence of new art forms. The docudrama format has been severely criticized by, among others, Mark Harris. In *T.V. Guide*, Harris argues that "We are not being illuminated. Rather, we are being, in the simplest sense, entertained, immersed in a psychological bath that is painless, soothing fun. The docudrama is routine television dressed up to look serious. . . ." Cohn's claim is based upon this very feature—the "fictionalization" of reality for entertainment purposes; such "fictionalization" has been the traditional judicial dividing line between the permissible and the condemned in libel law. Even after *Sullivan*, knowingly fabricated facts are precisely those deemed unprotected by the First Amendment. Predictably enough, Cohn's complaint sought to magnify the falsification while NBC's response was to minimize it.

But the matter goes much deeper than either the parties to the Cohn case or the courts have yet recognized. Even Harris concedes that "Docudrama is an ancient means of imparting history. Shakespeare's *Henry V* is a docudrama, and so is *Jesus Christ Superstar*. Whether clumsily handled (the Ruby-Oswald shlock story) or well done (Jason Robards's portrayal of you-know-who in *Washington: Behind Closed Doors*), mass-media fictionalizations are, in reality, an offshoot, perhaps debasement, of other higher art and literary forms. Modernism's assertion that human activity is to be understood by inquiry, however speculative, into motive or irrational drives has created the contemporary novel and theatre. Worlds of fact and fiction mingle uneasily but inextricably in art forms that destroy the distinction between public and private, reason and dementia, reality and fantasy. Psychohistory and psychobiography have become respectable (though not uncontroversial) scholarly fields. "Reading" Richard Nixon's mind was a serious cottage industry long before Watergate, and it would be

difficult to say whether Woodward and Bernstein contributed more to public understanding of the man and his significance than did David Abrahamson (*Nixon Vs. Nixon*) or Philip Roth (Trick E. Dixon in *Our Gang*) or Robards's Richard Monckton. While aesthetic distinctions are possible, the First Amendment does not permit government officials—including judges—to make such judgments. Just why news should be constitutionally protected, and fictionalized drama not, is hard to understand. Drama is nothing more than the creator's *opinion* about what happened and, more important, why it happened. Certainly, an opinion appearing in *The Nation* about Roy Cohn's participation in our national hysteria and his contribution to the witch-hunting and book-burning atmosphere of the 1950s is shielded by the First Amendment. Dramatizing that opinion, whether for the elite in the theatre or the masses on television, should be equally protected. *Tail Gunner Joe* is not a "biographical film"; it is a creative, artistic search for the meaning of a critical time.

If the issue of judicial treatment of new artistic formats is unclear, questions of just what it is that is "injured" by a libel and what, in dollar amounts, are the true damages caused by such injury are confused. Because of some recent Burger Court decisions affirming large damage awards (or reinstating them after pro-*Sullivan* lower courts had dismissed them), plaintiffs can still claim outrageous sums, thus further tempting them to gamble. Cohn and his co-plaintiffs (G. David Schine—remember him?—and Cohn's law firm) contend that only \$15 million will restore their good names. The owners of La Costa have sued *Penthouse* for \$600 million because of an article alleging mob control over that spa. Awards can still run fairly high in libel actions—a few years ago, Barry Goldwater received \$1 in compensatory damages and \$75,000 in punitive damages from *Fact* and Ralph Ginzburg, after the magazine ran a "doctored" article claiming that a substantial number of psychiatrists had found plaintiff mentally unfit to be President. Despite questions of how much "doctoring" of the doctors' views had occurred, the Burger Court refused to review the matter.

The Burger Court has waffled on the subject of damages. In 1974, it found that *all* damages of a nonpunitive nature had to be proven in all libel suits, thus eliminating the traditional practice of awarding "presumed" (i.e., unprovable) damages in certain cases. The Court also sought to limit somewhat the ability of a jury to assess wild sums for punitive damages. The 1974 case, as if mocking the ghost of Hugo Black, involved not a testy conservative but an outraged liberal lawyer, Elmer Gertz, suing not an investigative newspaper or television network but a right-wing rag published by none other than Robert Welch. Gertz had been labeled a "Leninist" and "Communist frontier," among other calumnies, and a jury awarded him \$50,000 (liberals tend to collect less than conservatives). The Illinois courts reversed on the ground that Gertz was a public figure subject to the *Sullivan* standards; the Supreme Court ordered a new trial on the ground that he was a private person, but

cautioned that the above-mentioned standards for damages would apply even in cases of defamation of such an individual.

Two years later, it threw the entire matter into disarray—in a way that demonstrates the vagaries not only of liberal "law" but also of the Court itself. This case, *Time, Inc. v. Firestone*, involved no public political figure at all—the plaintiff was a prominent socialite—but managed to muddy the damages question, and, indeed, virtually to transform the tort of libel in a way which can only help eager-to-sue conservatives. In *Firestone*, a majority of the Justices found that libel was no longer libel; rather, it could be a false statement causing mental anguish instead of loss of reputation (the two are not the same). The *Gertz* requirement that damages be actually proved became transformed into acceptance of a jury finding that Mrs. Firestone had suffered \$100,000 worth of such anguish. It is of more than passing interest that Mrs. Firestone specifically withdrew any claim to reputational injury—perhaps because it would have raised the issue of just what was her reputation prior to the article in question. Since the article was about her divorce, and since *Time* accurately reported the judge's scathing comments about her morality, omitting reference to reputation was doubtlessly prudent.

Well then, the naive may wonder, why did she win and why did she win so big? Justice Rehnquist found that she was not a "public figure," that mental anguish is a permissible ground for damages (even a *sole* permissible ground), and that *Time* had erred in stating that the divorce had been granted to her husband on account of her adultery. After excoriating her morals, the divorce-granting judge, animated by gallantry or other kindness, didn't say "adultery." He created a ground that was vague and didn't exist as a valid reason for divorce under Florida law. Since *Time* was technically incorrect (as was the judge, in a different way), it could not rely on the always available absolute defense of truth. The only remaining issue was whether the magazine had been *negligent* in trying to make sense of what the judge said (also a *Gertz* requirement), and the \$100,000 ax was stayed, as the case was returned to Florida to decide that issue.

If the law of libel is important only insofar as it either encourages or discourages unwarranted use of this ultimate weapon, *Gertz* and *Firestone* in tandem are clearly signals of encouragement ranging far beyond the particular parties and issues involved. If reputation is no longer (necessarily) in issue, can Richard Nixon sue a detractor? What about a notorious Mafioso who becomes "unnotorious"—though "anguished"—for purposes of a particular action? If a prominent Chicago attorney and a Florida socialite much in the news are not "public figures," is Kemper Marley, Sr. to be classified as one? If docudrama is not protected by the First Amendment because it is inevitably "fictionalized," is recent history out of bounds for anything but the blandest documentary treatment? And, "blandest" may be the most appropriate term—the Supreme Court has just agreed to review Col. Anthony Herbert's appeal claiming that "distortion" in the form of omissions can be

libelous even where the material *presented* is true or fair. Will the Supreme Court sanction a judicial investigation into the documentary creation process? Probably not, but, then, why take the case at all?

It is clear that libel law requires further revision to insure that it will truly protect actually damaged reputation rather than function as a plaything for the Right. *Sullivan* should be extended to protect *all* criticism of public acts and motives of public officials. The "public figure" category should be broadened, and only actual damages to reputation (save in a rare case where false charges of serious criminal conduct or personal disgrace are involved) should be recoverable. Docudrama should be recognized as both an art form and a vehicle of constitutionally protected opinion. "Incidental libels" about a matter of public interest should not be actionable at all.

Beyond this, I would argue what may seem to be a startling proposition. Liberals and radicals should be protected by libel principles in situations where conservatives would not be. Something like this has occurred in recent times (quite belatedly), and we all are grateful that not only Elmer Gertz but John Henry Faulk and Quentin Reynolds were treated as "deserving" plaintiffs. The law should not always be equal or "neutral." As Ronald Dworkin has cogently argued in the *Bakke* situation, inequality to enhance human dignity is permissible. The Burger Court has (at least theoretically) endorsed the Warren Court's role as sentinel to protect the rights of powerless minorities against majority abridgment. In libel cases, if not in libel law, liberals have often been in a disadvantaged position and radicals invariably so.

Acknowledgment of a protective role for the Left would only constitute a recognition of the mini-trend mentioned earlier and would reverse the previous course of American law, for libel has often been used to protect not "reputation" (the ostensible rationale) but "status." After all, what is one's "good name" if not an association intimately tied to one's status? The status of the rich and powerful in a basically middle-class, upwardly aspiring nation has generally been high (though

not untinged with some doubt about how wealth and power were obtained and used). Protection of social status has often been a polite fiction for protection of "class," especially in those communities where conservative plaintiffs have chosen to sue. Also, insult to reputation—even where it has actually occurred—may not be readily translatable into real damage to reputation of those who are above the petty vicissitudes of transmitting public opinion.

In 1942, David Riesman, then a young law professor, argued that libel offered a "convenient weapon to punish outsiders coming down to stir up trouble." His observation, then applicable to management's use of libel law as a sword against the labor movement, and as a shield to protect its own vituperative countercriticism, is still relevant. The ready ability of the powerful to claim damage to reputation (without the inconvenience of proving same) is still largely intact.

At least some courts and some juries have recognized the hypocrisies about "injury" that fail to distinguish between legitimate outrage and the use of libel as a political weapon. Already weak reputations—those of "Communists" and "Communist sympathizers"—have been shored up, while those reputations able to withstand even severe criticism (and epithets such as "Fascist") have not found judicial succor. In a nation basically socially conservative and fearful of drastic change (though often fairly "liberal" within conventional economic categories), it is ludicrous to argue that all accusations, even false ones, of offensive conduct will be treated as equally heinous by "right-thinking" (not a pun) jurors. It is likely that an accusation in the 1950s (or the late 1970s?) that Roy Cohn had encouraged book burning would have enhanced his reputation at that time. Only recently has the Left enjoyed substantial "defensive" legal protection—and the law should continue to encourage criticism from that sector of the spectrum. Yes, the standards should be different, and the courts should continue to recognize (and sharpen in appropriate cases) the distinction between libel suits which seek to harass and punish and those which seek genuine redress. □

DANGEROUS BEDFELLOWS

The Israel-South Africa Connection

NICHOLAS R. BURNETT

South Africa, in the person of General Smuts, was instrumental in securing the Balfour Declaration and in supporting the case for an independent Israel after the Second World War. Indeed Dr. Malan of South Africa was the first foreign Premier to visit Israel after its establishment. Despite this, the South African Nationalist Party, which came to power thirty years ago, has always had an anti-Semitic streak—it used to have a clause banning Jews from membership. Relations with Israel were minimal until the late 1960s. Israel's diplomatic

offensive in black Africa in the early 1960s annoyed South Africa; South African Jews were prohibited from sending remittances to Israel between 1961 and 1967.

But for the past decade political, economic and military relations between the countries have been growing steadily, and particularly since the Yom Kippur war of 1973. The Nationalists first began to see the advantages of a link with Israel during the 1967 war in the Middle East. Exchange control was relaxed to let the Jewish

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community send funds to Israel; the precise amount is not known but has been variously estimated between \$20 million and \$28 million, a large sum for a community of fewer than 120,000 people. The South African transfusion service loaned Israel blood. When General de Gaulle cut off French military supplies to Israel after the war, South Africa stepped in with ammunition and weapons for Tel Aviv. Military and intelligence cooperation continued and trade began to rise from its previously insignificant level.

However, events in the aftermath of the Yom Kippur war were what pushed the two countries close together. The Arab summit at Algiers that November embargoed oil supplied to the United States, Western Europe and South Africa. The Arabs were furious because Pretoria had permitted a further flow of private funds to Israel and because of unconfirmed reports that South African Mirage jets had been sent to reinforce the Israeli Air Force. Even more important, the Arab nations were able to obtain black African support against Israel in exchange for Arab opposition to South Africa. The majority of African states severed diplomatic relations with Israel in late 1973; South Africa can no longer obtain Arab oil and is supplied mainly by Iran.

When Washington cut off aid to Israel for several months in 1975 in order to obtain the second Sinai agreement, Israel realized that it needed economic and military support from sources other than the United States and moved still closer to South Africa. A whole series of arrangements now exists between the two countries. Trade expanded by 92 percent between 1972-75 and by 32 percent in 1976 with a similar increase in 1977. At less than \$100 million a year, this trade is not numerically important for either country, compared to their dealings with the major industrial nations. But the figures exclude certain important items and even the published data relate to trade in key products for the two countries, those essential to national survival.

Aside from military equipment, Israel principally sells its scientific and technical know-how to South Africa. About 60 percent of South Africa's exports to Israel are raw materials and finished products from ISCOR, the state-owned iron and steel corporation. One of Israel's major economic weaknesses is its shortage of indigenous energy supplies. South Africa now provides coal for Israel's power stations, has participated in an Israeli hydroelectric project and may well have agreed also to provide uranium (proof of this last has not been found, but the rumors are persistent). A major part of the two countries' mutual trade—diamonds—does not show up in bilateral statistics because South Africa, the largest producer of rough diamonds in the world, sends them to Israel, which has the largest polishing industry, via the huge, London-based de Beers syndicate.

Nor do military sales show up in the bilateral trade figures; they are secret in both countries. But information from the Institute of Strategic Studies' publication, *The Military Balance*, and from *The Economist* (November 5, 1977) indicates that, at least until the U.N. arms embargo of late 1977, France and Israel were South Africa's main suppliers. South Africa has taken delivery

of three of an order of six Israeli Reshef gunboats, armed with Gabriel surface-to-surface missiles. It is partially financing the development of the next generation of Israeli warships and expects to obtain some of the first vessels as they come off the ways in the next few years. Israel has also supplied South Africa with military electronics, air-to-air rockets, self-propelled howitzers and counterinsurgency equipment used in Namibia. It is modernizing South Africa's Centurion tanks, and in return, Pretoria has provided special steels for armoring Israel's Chariot tanks and also the technology to modernize Israel's relatively obsolete steel industry.

This last deal was made in April 1976, when South African Prime Minister John Vorster paid an "unofficial" visit to Israel. Aside from strengthening relations in general, one of his objectives was to get some Kfir fighters, which are modeled on the Mark V Mirage. Vorster was seen inspecting Israel's aircraft production facilities. The United States made it clear that this cannot be permitted; the Kfir is powered by General Electric jet engines and any sale of the aircraft to South Africa would therefore involve the United States in supplying arms, always against American policy and now a violation of the mandatory U.N. embargo.

Israel has announced that it will observe the embargo, but since Foreign Minister Moshe Dayan has also said that it will honor its commitments to South Africa, it remains to be seen how Israel will interpret the terms of the ban. Like other countries, it is known to be considering whether or not military electronics or raw materials for weapons are encompassed by the U.N. resolution. Israel certainly believes the embargo to be wrong, fearing that it might be the next country against which the United Nations could make a Chapter VII determination.

The arms for raw materials and energy relationship between Israel and South Africa has been supplemented by a general perception of their mutual interests as potential outcasts of the international community. *The Washington Post's* Caryle Murphy recently quoted a South African Jew as saying: "One is at the northernmost tip of the African continent and the other at the southernmost tip. They are the most highly developed countries on the continent. And what do you have in between? Backward, underdeveloped, pro-Communist states." Both countries see themselves as fervently pro-West and anti-Communist, both are under siege at the U.N., yet both worry about their support from the West. Each regards the other as more reliable than Europe and America.

Last November, Joen Steyn, Pretoria's Secretary of Commerce, suggested in a speech to the South African-Israel Chamber of Economic Relations that each country should review its sources of foreign supplies of all types, to see if any of them could be replaced with South African or Israeli business partners. In February, Finance Minister Simcha Ehrlich became the first member of the Israeli Cabinet to pay an official visit to South Africa. Aside from negotiating a line of credit for Israeli purchases of South African industrial exports, he encouraged South African investment in Israel and discussed further joint ventures. Israel is particularly interested in South

African industrial investment; Pretoria could thus gain a bridgehead at preferential tariff rates into the European Economic Community which would be of considerable benefit now and of particular help if widespread economic sanctions are imposed against South Africa in the future. Finance Minister Owen Horwood is to pay a return visit to Israel later this year.

Is it wise for Israel to have extensive ties with South Africa when it depends on the support of the United States and the international community for its own survival? The relationship has caused some consternation in Israel itself and embarrassed some European and American Jews. It may further alienate Western public opinion, already troubled by the Begin government's intransigence over Israeli settlements in the occupied territories.

Israel now has linked itself to the only country in the world with a formally institutionalized racist policy, apartheid. Yet the Jewish people were oppressed for centuries on racial grounds, culminating in Hitler's extermination policies. Many members of the South African Nationalist Party were Nazi sympathizers; the party itself opposed South African military participation on the Allied side in World War II. Prime Minister John Vorster was a member of the Ossewa Brandwag, a subversive pro-National Socialist organization, and was interned for twenty months.

Israel insists that its economic and military cooperation with South Africa does not imply tacit approval of South Africa's apartheid regime. Yitzak Unna, Israel's Ambassador to South Africa, stressed during Ehrlich's visit: "We have been thoroughly consistent in telling them we take a dim view of their internal policies." This distinction is likely to be lost on international opinion, however, which will focus on the intimacy growing between Israel and South Africa. Western nations have fought hard on Israel's behalf against absurd U.N. resolutions like that of November 1975, which declared Zionism to be "a form of racism and racial discrimination." Israel's broad, visible relations with a country that systematically oppresses the majority of its population cannot but play into the hands of those who do equate Zionism with racism.

Israel has offered two defenses of its behavior. First, it has stated that it is simply being frank about its international relations, unlike some black African countries which are hypocritical about their economic links with South Africa. There is some truth in this charge, yet those African countries that do trade with South Africa have little geographical choice in the matter, have not supplied arms in return, and do not depend on international public opinion for their survival to the extent that Israel does.

Second, Israel has suggested that it needs to have good relations with South Africa in order to protect the 118,000 Jews in that country from the anti-Semitism that lies just below the surface. This is a singularly self-serving argument. While many of the more prominent white liberals like Helen Suzman have been Jewish members and supporters of the Progressive Federal Party, South Africa's Jews have been and are part of

the oppressing white minority, which enjoys one of the highest standards of living in the world. Per capita, remittances to Israel from the South African Jewish community are also the highest in the world. Where do those large sums come from, if not ultimately from the exploitation of black labor? Referring to the Jewish community, Marcus Arkin, director general of the South African Zionist Federation, wrote in *South Africa International* last October: "Although there is not a great deal of open identification with the goals and policies of the Nationalist government, hostile criticism is probably no more pronounced than it is among other segments of the enfranchised White population."

Israel's links to South Africa cannot but weaken its standing in the United States. They will certainly widen the rift in the traditional liberal alliance of American blacks and Jews which has been opened up by anti-affirmative-action issues like the Bakke case. This estrangement would become still more serious if the American Jewish community, or influential segments of it, were to perceive the maintenance of the present regime in South Africa as important to Israel's survival. Such a development may sound farfetched at present: there are many Jews in the U.S. anti-apartheid movements and the American Jewish Congress is on record in opposition to apartheid. Yet there are reasons to think that this is what the South African Government is really after when it fosters the relationship with Israel. If it were just arms, then its ardor would have cooled after the United Nations' embargo; there has been no sign of that.

South Africa is now engaged in a major public relations campaign to prevent the Western democracies from imposing economic sanctions. In the United States, for example, Pretoria has retained the New York firm of Sydney Baron Associates. "The most important purpose of the South African propaganda," wrote Donald Woods, former editor in South Africa of the East London *Daily Dispatch* in *Foreign Affairs* (April), "is to preserve the economic links with the West that prop up the apartheid regime. Only by preserving these economic links with the West can the whites of South Africa keep suppressing the black majority."

Calls for international economic actions to force an end to apartheid are becoming ever more frequent, and the United States is the key to the Western position in the next few years. Except in the almost conceivable event that South Africa implements sweeping internal change, the Carter administration will probably have to go along with U.N. resolutions adopting some form of international economic sanctions in the not-too-distant future. Black African pressure, the administration's commitment to human rights and dependence on black American electoral support will all press in that direction, as will strong statements of the case for sanctions by South African exiles such as Donald Woods. Western nations vetoed total sanctions last year at the price of arms sanctions; the price of the next veto may be a limited economic sanction, and so U.N. resolutions will slowly escalate toward comprehensive action.

The United States has, of course, the veto power in

the Security Council. Influencing the American administration, and Congress, means enlisting the aid of pressure groups. One of the strongest, some would say the most powerful, is the Israeli lobby, a fact not overlooked by those who wish to influence the United States against sanctions.

Early in March, Baron Associates arranged a little-noticed meeting in New York at which South African Economics Minister Jan Christian Heunis spoke to a group of largely Jewish businessmen. He rehearsed the standard South African line on separate development, stressed the economic links between his country and Israel (without mentioning the military ones) and emphasized that both countries, "relatively small nations in what in any event appears to be a hostile sea for the moment," were similar in their pro-Western, anti-Communist, anti-terrorist stances and in the double standards that were applied to them at the United Nations. He did note that Israel and South Africa were not in complete agreement over each other's internal policies.

"To a large extent," he continued, "our economic development can be attributed to foreign investments and investors. Our ability, therefore, to insure peaceful and evolutionary change is thus dependent on the attitudes of other countries in the political and economical fields." Here was a statement of South Africa's dependence on international economic relations, coupled with a clever hint that internal change would only come if there were no sanctions. The point is, of course, that there is no reason to expect any change. He finished his speech by further identifying Israel and South Africa and calling on the audience to help South Africa establish a relationship with the United States wherein Washington and Pretoria would agree to differ over internal policies but otherwise cooperate. He concluded: "Let us also commit ourselves to cooperation in all the many areas of mutual importance. This is a formula that works in our relationship with Israel and I don't see any reason why it should not be equally successful in our endeavors to bring about a better working relationship with the United States. This, gentlemen, is

where I would appreciate your support."

There is no evidence as yet that the Israeli lobby has attempted to influence the Carter administration on the issue of sanctions against South Africa. Replying to a telephone inquiry, a spokeswoman for the American-Israel Public Affairs Committee said that it has no position on the issue whatsoever, although she noted that Israel, itself subject to the Arab boycott, opposes the use of economic sanctions in general.

But if the South Africans succeeded in persuading at least some significant elements of the American Jewish community to lobby on their behalf, there could be serious domestic and international consequences for the United States. Domestically, the already somewhat difficult relations between blacks and Jews could turn into open hostility. Whether successful or not, lobbying activities would insure that more publicity would be given to Israel's relationship with South Africa. That could only compound the already adverse effect that the link has had on American and international public opinion. If the Israeli lobby attempted publicly to influence the Carter administration against sanctions, and the administration decided against them for whatever reason, these domestic reactions would be even worse. There would also be serious consequences for President Carter's policy throughout Africa and in the Middle East if black African nations persuaded their Arab allies to react.

Both Israel and South Africa realize that their futures can very largely be determined by Washington. Aside from the immediate benefits of weapons and trade, the main advantage to Pretoria of its ties with Israel is their potential for complicating United States and hence Western policy toward South Africa and averting economic sanctions. Israel is in danger of becoming a pawn in South Africa's struggle to maintain apartheid in defiance of world condemnation. A country that must, at least in the foreseeable future, depend on American and international support for its own existence can ill afford to join the discredited outsider in that moral contest. □

'THE COPS TOOK MOMMA OFF LAST NIGHT'

NEW ORLEANS IS NO MARDI GRAS

JASON BERRY

New Orleans

The night before Carter invoked Taft-Hartley, I went to see Barbara Koppel's brilliant documentary, *Harlan County, USA*. Once home, I began pondering the social inequities of these damned democratic states when a phone call came from New Mexico. It was Hal, a black friend and sometimes musician. (His and other names are changed in this piece, for reasons that will soon be obvious.) His car was broken down in a place called

Deming, and would I go to his house and ask his wife to wire him \$175 so he could return? They had no phone. Sure, said I.

My last car was a lemon and the one before had been stolen, so of late I've been without wheels. A friend gave me a ride to Hal's apartment, a rundown small half of a house in a neighborhood of New Orleans not

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yet renovated. Hal's wife, Annette, is white. He is in his late 50s, but, despite an intense street life, looks much younger. She, I soon learned, is only 36; however she had borne him three children and had a 15-year-old girl by a previous marriage, living in Ohio. She looked mid-40s.

I arrived shortly after nine on Monday morning and was met at the door by Sammy, their 10-year-old, a beautiful boy, mocha-colored skin and nearly blond hair, who because of his white mother would doubtless be taken for a "creole of color" in this city of innumerable racial crossings. He looked at me with a torn expression. "The cops took Momma off to jail last night. I don't know where Al and Aline are." (They were his younger brother, aged 2, and sister, just 3 months.)

"Are you O.K., son?"

"Yeah, I'm O.K. The cops took Momma off last night. They took Al and Aline too." A small dog was barking furiously inside the apartment. "Come on," I said. "We'd better find out what's happening."

The boy closed the door behind him and we were met by a portly black man in his 40s, smoking a wedge of a cigar. "You know the man who live here?" he asked.

"Yeah. Who are you?"

He handed me eviction papers. "I'm the constable. They haven't paid no rent in three months. The water been turned off since Friday. I already gave 'em notice. We're here to put the furniture out." Behind him were two desperate-looking souls, both black, one barely 6 feet but weighing close to 250, the other a skinny guy about 5' 5" with a face apparently disfigured by acid or scalding water. "I got mah orders," said the constable.

"Can't you wait a day?" I said. "This kid's the only one here. We've gotta find his mother and brother and sister." The woman next door, who had been watching us, chimed in: "The cops arrested her. She was standing in the street holding a pipe, all messed up. The little baby was crawling on the sidewalk and never had no clothes on. It was cold last night." Sammy said, "Momma was all sick in the head. She threw away all the food and she threw away all our clothes."

It was a chill March day. The sun had risen over the Mississippi docks, but the temperature was hovering in the middle 50s. The boy had no coat. At my request, the neighbor woman lent Sammy a coat belonging to her son. I scribbled my name and phone number and asked her to let me know if anyone tried to get in touch with the family. Then I turned to the constable. "How can I find out where his mother is?"

"The police over at the 5th district, they be the ones who came last night, since this is their territory. You better head over there." I told him I didn't have a car, and he said he'd give us a ride, but first he wanted me to tell the landlord what had happened. He had his orders.

The landlord I knew; let us call him Calvin. He owned a used-car lot, among other enterprises, and Hal had worked for him while renting the apartment. "I'm sorry the cops took her off," said Calvin, "but man, Hal owes

me three months' rent. And he took the rent from the people next door and swallowed it on me. So I'm out four months' rent because of that sonofabitch. I gotta evict 'em."

"Calvin, for Christ's sake, Sammy's by himself. Hal's in New Mexico with a messed-up car and I'm trying to find out what the hell happened to Annette." He agreed: "Awright, I'll give 'em till tomorrow. But I'm clearing the stuff out tomorrow. I got no choice."

The constable took us in his aging station wagon over to the 5th district, deep in the urban hinterlands of the sprawling Ninth Ward of New Orleans, across from the Industrial Canal. There the desk cop told us Annette had been booked for abusive neglect of juveniles and was this morning to appear before the Magistrate Court for a preliminary hearing. She had spent the night in Central Lock-Up. The two infants were at the Volunteers of America foster home.

"You mean she stayed the whole night in jail?"

The cop said, "Look Mac, if you wanna find her, go to Tulane and Broad."

We left the station and, as the constable went to his car, I took the boy aside. "Sammy, I love you and I'm going to tell you the truth. Your mother's in serious trouble and it might be a while before we can get her out. You stay with me today, and tonight come back to my place and stay there. I want you to be with me till we get this cleared up, O.K.?" He nodded hurriedly.

"Tulane and Broad" houses the offices of the D.A., the parish sheriff, criminal judges and their courts, and behind the main building is the Police Department and Parish Prison. It is several miles from the Ninth Ward police station, along bus routes I did not know.

I asked the constable. "Can you give us a lift over there?" He began shaking his head. "That's a long ways from here. Ain't got much gas in mah tank."

"Would \$2 pay for the gas?" "I reckon so."

I got into the front seat, the boy in the back, next to the 250-pound man, who had a nickel lodged in his right ear, the same color as his silver hair. The other man's facial scars were disturbing. As the constable's sagging station wagon heaved through a maze of impoverished streets, he got angry. "It's always this way. Them people never look after their own. Too many black people act like niggers, never stayin' home, never watchin' herd over the young. That man oughta be around if his wife be sick in the haid. Now lookit all this trouble you got to go to, and I got to go to." He railed on and on the whole way over there, and by now my stomach had begun to rumble. I'd been down with the flu the week before and was behind on two long articles and several shorter ones, which at best meant two to three weeks of waiting for checks to come in.

Sammy and I got to the court building about ten-thirty. Beyond the dividing rail of the small hearing room, guarded by uniformed officers, sat two rows of black men, most in their 20s, having marijuana possession charges read against them by the black magistrate judge. Behind me, a man said to someone, "Us black people, we

got to stick together in time of trouble. . . ."

Annette sat in a chair next to the two benches of men, a female officer sitting across from her. I could hardly recognize the woman at first. Her hair was dark black—I'd always known it to be blonde. She sat slumped in the chair, and a glimmer of recognition washed across her face as Sammy and I entered the court.

I asked a guard if I could speak with her. No, she was in custody of the court. So now it was time to get a lawyer. I took the boy into the hallway with me. As I fished for change at the pay phone, I asked him why Annette was so heavy. "She kept eatin' after Aline was born." Sammy was thinner than the last time I'd seen him. "How come the cops didn't get you when they hauled her in?"

"I went around the corner to get some food for Al and Aline. Momma, she threw away all the food."

"When was the last time you ate?"

"Four days ago."

"Jesus Christ. Here, take \$2 and go over there and get a sandwich or something." The boy thanked me, walked to the snack bar, and turned halfway. "You want anything, Jason?" "No, son. Just get whatever you want."

My plan was to call a state legislator I knew, hoping he would call the judge and request Annette's release on her own recognizance. This is commonly done in New Orleans. In fact, the last time I'd done it was ten years ago with Tom, who was the state legislator's brother, and with whom I had gone to high school and college. One weekend a mutual drunk friend had driven his car, peacefully but drunkenly, along the grassy dividing strip of a major thoroughfare at two in the morning. Tom and I called his brother, who got the kid out on recognizance. Now, Tom was a member of his brother's corporate firm; he was active in Republican politics and we didn't see each other as much as we once had.

Tom explained that, with the hearing now in progress, it would be too late to get such a release. He was about to meet with a client and couldn't get away. Anyhow, he said, it sounded to him as though the charge might be a felony, and thus impossible for "R-on-R" release. I thanked him, and returned with Sammy to the courtroom. It was empty, save for a few guards and an assistant D.A. and public defender. I told them I knew the woman and explained that she'd had a breakdown after the birth of the second child, Al, and now it appeared to me the tragedy was repeating itself.

Sammy stood at my side as the public defender said, "That woman is extremely sick. She sat down and rolled up into a fetal position when the judge read the charges against her." The boy's face was expressionless, and I began to curse Hal to myself. I asked the lawyer how I could get her out.

"Well now, the D.A. has to get the police report, and that will take a day or two. Then, if the Assistant D.A. agrees to drop charges, you can probably have her transferred out of Parish Prison to Charity Hospital. But the release has to come from the judge, and he's got to get the O.K. from Charity that they'll take her."

"Well what should I do?" He suggested I talk to Sister Barbara, a Catholic nun who worked as a social worker in Parish Prison. I went to Sister Barbara, who

was in the same building. An able and knowledgeable woman, she explained that the psychiatric tests were given at the prison on Thursday. This was Monday. The judge could not grant a release before receiving results of the tests.

"Is there any way I can speed up the process?" "No, I'm afraid not. I know this is a sad case, but there are hundreds in here like it, many worse."

"Please tell me candidly, does this woman stand a chance of being raped?" "No. The women's section of the prison is much better than the men's. She'll have her own room. I'm going over there this afternoon. I'll check on her and call you."

With nothing left to do at Tulane and Broad, the boy and I went out, I hailed a cab and we went to my house. (I had already alerted Kristine, with whom I live. She detested Hal but was sympathetic to the family's plight and welcomed the boy warmly.)

Sammy sat down in the front room. "Are you hungry?" we asked. "No. I wanna take a bath. Can I use y'all's bathtub?"

While Sammy washed himself, Kristine and I discussed what to do. To complicate matters, we were expecting five guests for dinner that night, an evening long planned. It seemed to me the first thing to do was call Hal, who knew nothing of all this and was waiting in Deming, N.M. for \$175 from Annette to pay for his car so he could come home.

I called the number he'd left, no answer. Then I called information and got the name of the one motel, called the desk and asked if he was registered. No, said the woman. I explained the situation in full to her, and said I knew he was staying around the truck-stop center—this was the address he'd left for Annette to wire the money—and implored her to see if she could find the man. It was a small town, fortunately, and she said he was probably staying at the truck-stop motel. I cannot remember the woman's name, however she went over there on her lunch hour, and within ninety minutes Hal called collect.

What is there to say about a man like Hal? He was a fascinating figure when I first met him three years ago, both a sideman in different bands and something of an artist as well. He led a hectic and complicated life in the streets, which I knew was a source of tension with his wife. I'd seen them argue; I had seen her drink; I'd eaten dinner with them shortly after she got out of the hospital after her last breakdown. It was a marred, often tragic relationship, a common-law marriage intensified by her enslavement to the duties of household while he sold used cars or played music. She resented his freedom; he was angered by her inability to run the household properly. I could make value judgments about the absence of loving communications between them, and I would blame him heavily. But I had seen them in laughing moments and besides, who am I to tell people how to live? I dropped hints to Hal occasionally, to no avail.

I told Hal the situation now. He kept muttering, "Aw no, aw Jesus." I asked him what in hell he was doing in New Mexico. "Comin' back from San Francisco. I was out there checkin' everything out. See, we was gonna

move out there with Sammy and Al and Aline."

I was about to explode into a lecture of indignation about his utter lack of responsibility, but the task now was to get him back to New Orleans so he could assume his duties. Besides, I was paying for the call. I asked him for names of people who could scrape up \$175 he needed for the car repair. Then I put Sammy on to talk with his father and left the room. Afterward, I spent several hours on the phone, and finally managed to raise \$100 from an oral historian who knew Hal, and \$75 from a member of my family.

Sammy watched TV for a while, then spent time drawing (Kristine is an artist). In late afternoon the boy asked if we could go over to his house. "The dog's there and he ain't eaten in four days. Also I wanna see if there's anything left worth taking before the constable evicts the furniture tomorrow." I called a friend, borrowed a car, and we drove to the house. On the way I asked Sammy, "Why did your mother throw away food and clothes?"

"She said we was going to California and Daddy was comin' back, couldn't take no food. I tried to tell her to wait, he might be gettin' back late. But her head was messed up. She hit my arm with a pipe. She threw away the clothes; she had gained so much weight they didn't fit."

It was now four o'clock; the day had destroyed any chance to work on postponed assignments, and I was nervous about money. But I began to consider the boy: what was going on in his head?

"When can I see my brother and sister?" "Tomorrow. I'll take you to the home where they are. Don't worry."

Then something remarkable happened. We arrived at the house, which was revolting—human excrement had been smeared on one wall; clothing was piled in the kitchen, covered with ketchup and more excrement. The small dog, brown with beautiful black markings, sort of a husky, was barking in furious defense of the residue of a household. But Sammy knew exactly what to do. He was salvaging his dignity.

"This clock," he said. "It's good. Clock still works. We'll get that." He went through each room of the house, gathering together his meager possessions, searching methodically for things that still worked or were not soiled. His clothes, with the food, were gone in the trash.

I said to the boy, "Your mother must have had papers—bills, bank statements, food-stamp slips, anything." The boy found a box, filled with documents that verified the existence of the family and contained forms for government relief. The poor woman had also cut out dozens of recipes from the newspaper—menus for a woman obese and distraught. The record player and TV were still good, but too large to put in the car. We took the pup, named Snoopy, and drove back to my house.

Our dinner guests were coming at seven. It was five-thirty as I got in the bathtub, and the phone rang immediately. A detective from the police force had learned I had the boy with me. He was sorry to disturb me, but he had to fill out a report, and technically, the boy was supposed to come with him. I explained that the

boy would stay with me, the father was returning. The detective politely asked if I would help him by giving information on the family, so his report would be complete. Reluctantly, I agreed.

The detective arrived, took us to the police station, and was very sensitive in his dealings with the boy. He explained, taking me aside, that when he had made the arrest last night, the youngest child, three months, was smeared with excrement. He'd had no choice but to arrest the mother. The detective called a judge at home, who agreed to let me take the boy for the night, pending a review by a social worker to assure the stability of my household. I agreed to that.

The detective called the social worker, we picked her up and the four of us returned to my house as the guests arrived. Kristine took them to the kitchen and explained the situation. After a brief review of the house, the social worker, an intelligent and compassionate young woman, asked to see Kristine and me. Sammy mingled with the guests in the kitchen; the detective went to my study to look at the books.

The social worker explained that under the court release by the judge, we had a choice: agree to be guardians of the boy for forty-five days, or surrender him to the court—that is, the social worker—to be put in a foster home. I was immediately opposed to this: I didn't want the boy uprooted again. I felt an obligation to him, and besides, something of a bond had now been cemented between us. We had gone through this whole mess of a day together, and I wanted the kid to *stay with me*.

But I could see it coming. The two women, objectively removed from my passions, explained that we would have to care for the boy, receive food supplement funds from the state, and agree in effect to be his parents for forty-five days. We would be in violation of the law to release him to Hal once he returned. But Hal had no place to live; the infants were now in a foster home. Reluctantly, I agreed to give up the boy.

The social worker then addressed Sammy and gently got him to express his concerns. Throughout the day, he had asked me when he could see his brother and sister. In my worry and hurry, I'd told him they were O.K., in a good place at the Volunteers of America home, and I promised to take him over there the next day. Now, that would be done by Hal when he returned. I hugged the boy and gave him three bucks. The social worker assured me the home where he was going was safe, in a good area, not violent, and I was free to go there to visit him. I thanked her; the boy left. I went to dinner with our guests. Snoopy, the little dog, sat attentively in the kitchen, and relieved himself on the rug as we finished coffee. He has grown immeasurably in three weeks.

Hal returned in midweek. Our first conversation was dominated by my bitter denunciations of his irresponsibility, to which he replied: "But she *told* me to go out there. She gave me the money, took \$700 out of her savings. She got \$2,500 from an inheritance, and we gonna use the rest of that to move to San Francisco. She gave me the money and tol' me to go out there

and find a place."

"You jackass, you take \$700 from your wife; you leave the house with three months' rent unpaid. The goddamn water gets turned off by the landlord. I can see how Annette flipped out."

"I was gonna pay Calvin the money on the rent. That wasn't no big deal. And Annette, I can't see how she would do this to me."

"She didn't *do* anything to you. You did it to her. Man, you knew that woman had a breakdown after Al. Now it's happened after Aline, and you were stuck in the middle of New Mexico." My logic didn't penetrate. His masculinity was too firm, and after he left I thought about wives of people I knew, who stayed home and cared for kids while hubbies earned big dollars. Hal had told me, "A woman *got* to raise kids. How you think you and I was raised? By our mommas!" As I say, the logic did not penetrate.

Meanwhile, the nun from the sheriff's office, Sister Barbara, called to inform me that Annette was flushing her food down the toilet, refused to wear clothes, and was smearing her own feces over the cell in Parish Prison. The psychiatrist could not even administer a test to her; they'd given her a "sedative" to calm her for seventy-two hours, which sent me into a fit of anger about the prison, and which the nun calmly explained was something she had no control over, and she sympathized. Later I learned from Hal that she'd had breakdowns after Sammy, and after the birth of her adolescent daughter, now living with Annette's one distant kin, an aunt in Ohio. Four kids, four breakdowns.

By Friday, I had still not gotten Annette out of prison. The week had been taken up with phone calls from social workers, police, Sister Barbara, the public defender at the court, and my own calls to every politician I knew in town, and some I didn't—a rapid and depressing education on the process of "criminal justice" in Orleans Parish.

Saturday morning at three, the phone jarred me out of sleep. It was Hal, calling from Central Lock-Up. Two cops had arrested him for reckless driving and driving while intoxicated. Naturally he had been wronged; hey, could I get him out? I told him I'd sleep on it. As I crawled back in bed, Kristine snapped, "You ought to let him stay there."

I gave serious thought to the idea, but Sunday morning I felt that to let Hal rot in Parish Prison while awaiting a court hearing and then bond he could not pay—in all, he'd be in four months—would simply damage the few shreds of family connection I'd managed to salvage. Sammy wouldn't be able to see his father. What good would it serve to have *both* parents incarcerated and the children in separate foster homes? I called a state legislator who told me to use his name in calling a judge, whom I woke. The judge agreed to let him out on recognizance. He went to a preliminary trial the following Monday, with a lawyer I got to go with him, and he was officially released on recognizance. He is to stand trial in June on driving-while-intoxicated charges, and will probably be fined \$400, which he must raise between now and then.

Ten days after Annette's arrest, I got in to see the

Magistrate Judge. The nun, the public defender lawyer and I explained the situation; he agreed to release her to Charity Hospital, pending a letter from a physician. We spoke to the doctor who had handled her in Charity before—after the birth of the third child. She was released to the hospital, and after a day in a straitjacket, settled down. Hal had gone to see her, she recognized him. Hal told me he thought she'd pull out. I wonder.

The family's income is roughly this: Hal receives \$200 a month in veteran's benefits. He has told me that his fingers are damaged and he cannot work on cars, as he has done in the past for good money. Annette receives food stamps and welfare checks. I would guess the total monthly income is about \$500. Hal claims he cannot work, because he will forfeit his monthly veteran's benefit. I have told him he can get another kind of job and probably get paid in cash and thus keep getting the benefits, as he did when he sold used cars for Calvin, the former landlord. He has all kinds of excuses as to why he can't do this.

I suppose Annette will be released in a few months. She once told me she *wanted* kids, because "Hal and I never had much of a family, and Sammy and Al and Aline, y'know they got to have each other after we go. You gotta have family, Jason."

Do not ask me what will happen to this family, for in fact they are merely statistics. Annette needs extended care and, above all, freedom from the drudgery and depression of household obligations. Will that situation change after the family sooner or later gets back together? I doubt it. You ask, is it in the kids' best interest that the family be reunited, under such psychological arches? Probably not, but then you must ask yourself if foster homes will guarantee a more productive childhood for Sammy and his infant siblings. I frankly do not know. The boy spent three years in a similar home after Annette's breakdown following *his* birth—a time when Hal was at Angola State Penitentiary outside Baton Rouge for possession of marijuana.

In retrospect, my largest mistake was not getting a lawyer immediately to negotiate the woman's transferral from prison to hospital. What took me a week and a half a persistent attorney could have accomplished in two or three days. The public defenders are overloaded and I don't know who I could have asked among lawyer friends to devote so much working time to the case. Besides, I was hardly able to think about an attorney, as for a week my life was also obsessed with the boy, his father, the eviction, phone calls, the money, communication with the nun, and then writing two articles I desperately needed to write, both for money and my sanity.

Should I blame the prison? Certainly. Should I blame anyone, besides Hal? Sure, the "system," but after days at Tulane and Broad, I can only tell you that the system is peopled by the same anguished humans who inhabit the novels of Dickens, set in industrial England, and those created by Nelson Algren, in his fictions set in Chicago and elsewhere. Only the time and setting are different. □

BOOKS & THE ARTS

What Rogue Elephants Know

BLOOD TIE. By Mary Lee Settle. Houghton Mifflin Co. 386 pp. \$10.95.

J.D. O'HARA

Once a quiet playground for the unambitiously literate, publishing has lately begun to display the hyperactivity associated with TV and an overdose of food additives. Saturday night massacres are common, and the howl of Profit or Perish is loud in the land. The National Book Awards have always been tainted by the lure of profit; whether backed by the publishers' National Book Committee, as once, or by the Association of American Publishers, as now, their purpose has been publicity, a little genteel hype, and the selling of more books. Nothing was there for tears . . . until the profits rose into Big Numbers and those who didn't produce the Big Books felt their heads loose on their shoulders. Which brings us to this year's awards, and specifically to the novel. This year's appointed judges—Vance Bourjaily, Maureen Howard and Robert Kirsch—nominated Robert Coover's *The Public Burning*, Peter DeVries's *Madder Music*, James Allen McPherson's *Elbow Room*, John Sayles's *Union Dues* and Mary Lee Settle's barely reviewed, barely publicized *Blood Tie*, which won the award.

When the nominations were announced, Farrar, Straus & Giroux's R.W. Straus, Jr. protested that the judges had demonstrated "ineptitude," among other qualities. It would be coarse to accuse him of being sore because two FSG novels were ignored, Philip Roth's *Professor of Desire* and Walker Percy's *Lancelot*, perhaps he had in mind John Cheever's *Falconer*, Joan Didion's *Book of Common Prayer* or Toni Morrison's *Song of Solomon*, which won the National Book Critics Award. Other objectors followed, with similar petulance. In the *Times*, Richard Locke compared the judges to rogue elephants. "Turning their backs on the like of [get this] John Cheever, Philip Roth, Joan Didion, Toni Morrison," he said, "the judges charged off into the underbrush in search of new taste sensations." Do rogue elephants do this? In any case judges should not, it is clear; Locke wishes them to hew to the established Establishment tastes.

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(Note the similarity of his list of preferred authors and the first list above, which comes from *The Village Voice*'s Eliot Fremont-Smith. No mention of Steven Millhauser or Don DeLillo, no sirree.)

Well, some of those authors are easy to turn the back on; let us do so, roguishly, and follow the judges into the underbrush. What sort of novel is this *Blood Tie*, and why should we be mindful of it? In a time when the best novelists attempt to follow Samuel Beckett and William Wordsworth into what Wordsworth described as "the Mind of Man—My haunt, and the main region of my song," where will *Blood Tie* take us?

The Beckett reader's first reaction is dismay. Used to encountering only a few characters, if indeed any at all, he is introduced to swarms of them, all with specific names and clear identities. Used to the twilight landscapes of memory, he is dazzled by Mediterranean sunlight and the specificity of things. And accustomed to turning away from things, he is assaulted on all sides by detailed buildings, clothing, boats, mountains, ocean and people, people, people, as the Turkish city of Cerasos sprawls before him on the page. He is like to drown in the spray of phenomena, in the welter of American and Turkish language, and in the complexity of personal and general relationships. A reader whose only Turkish is *mashallah* and *inshallah*, often confused, and whose only connection with Turkey derives from the puzzlingly large number of acquaintances who have been there for one reason or another, may forgive himself for being taken aback.

Among the foreigners temporarily washed up in Cerasos are the heroine Ariadne, suffering from divorce, middle age, and loneliness, and her teeny-bopper rich-hippie acquaintance Lisa, and a bitchy homosexual scholar, Basil, with his current hosts Trader and Miranda, the one as dull an ex-accountant as might be imagined, the other a grotesquely depraved sex addict. They all associate with David, the Dutch owner of a local bar, and Horst, a German archaeologist anxious to explore the complex innards of the local mountain, immemorial location of shrines asso-

ciated with the Endymion legend. There are many natives as well, including a speechless boy, Kemal, and his older brother, Timur, who has gotten involved in politics and is now hiding out in the mountain's central shrine, and Munci, a diver and local hero, Durust Osman, who owns most of the city, and his offensive son Huseyin, who seduces Lisa during the long hot summer of the narrative, and a good Chief of Police and a sadistic Captain of the Gendarmes, and a great many others. To say nothing of Lisa's wealthy, alcoholic, and half-senile father Jamie Stewart, back in Virginia, whom we visit as he decides to invest in a Ceramic hotel, urged by his manipulative daughter.

So many people! So many relationships!

The plot consists of the alterations in these relationships as strain is put upon them by the vagaries of politics and the financial and sexual greed of individuals. From Ankara and Istanbul comes official harassment of leftists, as well as a steady trickle of cloned American officials; from Osman and his associates in Cerasos and from investors as far away as Stewart in Virginia comes pressure to expand the tourist facilities, especially by building a luxury hotel that will overtax the water supply and cause danger of cholera.

Intertwined with these strains are the simultaneous stresses caused by the individuals. Lisa's desire for Huseyin leads her to slander her former protector Ariadne by linking her with lesbianism, drugs and politics. Huseyin's greed leads to the overloading of his pleasure boats, one of which overturns, drowning his wife-to-be, who was also Timur's girlfriend. Her death rather improbably brings him melodramatically down from the shrine, and with Miranda's aid he falls foul of the Captain of the Gendarmes. Various pressures combine to make Cerasos increasingly materialistic, and the tourists and natives develop an increasingly hostile and mutually parasitic relationship.

The vivid and eventful narrative that reports all this is interspersed with biographical set pieces in which characters are detailed for us. These go far to explain each character's ideas, attitudes and psychology, and they also serve to develop more general themes. It turns out that almost everyone in Cerasos is

in exile. Even the "natives" are seldom native to the region, and those who are show the physical and cultural signs of foreign ancestral pasts. As the narrator points out, "for four thousand years Cerasmos had been a city of refugees as most ports are, of people in flight." (Remember the old radio program's dramatic beginning? "Grand Central Station! Crossroads of a million private lives!") These millions in Cerasmos reenact typical dramas, however, as is often suggested, for instance when the image of two men at a quite specific moment is suddenly enlarged: "These two men, and their ancestors, had been facing such facts through a thousand years of pressures." Again and again the continuity of disorder and opposition is developed until it suggests paradoxically the stability of a pattern, reproducing itself through the ages and from country to country. Reporting the death of Timur to Ariadne, the Chief of Police says: "He was beaten to death by a sadist. . . . Have you no sadists in your own country? Have you no lists?" The pattern is echoed even in the obscure myths of the region.

The exile becomes a fixed quantity, extending from Odysseus to Beckett and Nabokov and us. But we view the theme from many angles, not all sympathetic. Munci, exhausted from risking his life diving for the bodies of the drowned kids, realizes that "foreigners never understood this halter of service to one's place. They wanted to be everything, at once, inside themselves, their bodies and their minds their own cities, isolated, alone. He felt sorry for them." Basil and Miranda, distanced by selfish and abnormal sexuality, exist in a psychological exile, while David's childhood under the Nazis provides a more serious version.

Most painful, perhaps, is the kind of exile that one is forced into emotionally by the world's lack of response. We see this especially in Ariadne, who at the start is a woman willing to help, to care, to be affectionate. But as the summer approaches she begins to resent being used, mocked and ignored. "I am tired of following the world to see if it gets home," she thinks. And at the end, when the spoiled Lisa has been rejected by Huseyin and returns to her, Ariadne sees her clearly—"the child who had . . . brought trouble carelessly, herself protected by money, by flight, and finally by not caring what happened to anyone else," and she reacts by becoming herself more like Lisa: "The child honestly and sincerely thinks I give a goddamn, Ariadne thought." But even this kind

of exile gets its critique when David's complex tale of wartime Holland leads Ariadne to a fragmentary glimpse of suffering beyond that of the fashionable exile, possibilities that reduce the conventional American versions to "pathos . . . some isolated child's hope blown up and made cosmic . . . Sexual and alcoholic thumbsucking . . . bad habits . . . little more. Our version is too personal, somehow. . . . It takes a certain income."

Exile becomes a part of a larger theme, which in its beginnings seems merely comic. Almost no one understands anyone else. But this kind of missed insight, as common among friends as enemies, soon ceases simply to decorate the patterns of human relationship and becomes an integral part of the texture. Exile, then, becomes the extreme case of a situation to which all mankind is doomed: even friends, even parents and children, even lovers can achieve no more than intermittent and unreliable communication, try as they may.

We see this isolation also as the novel develops the struggles of one social, cultural, political or financial faction against another. There are not simply good guys and bad guys, good ideas and bad ones. In Beckett's *Molloy* the character Moran inadvertently drops out of society and returns changed and thoroughly disaffected. He then meets the parish priest, and he tells us: "He began to talk. He was right. Who is not right? I left him. I am clearing out." *Blood Tie* does not

admit of the painful luxury of clearing out of a world where everyone is right and no final judgment is possible. The most it offers in that direction is the bartender's detached involvement, and even that is complicated by the connotations of the novel's final event, when accumulated sorrows—especially his brother Timur's death—cause the mute Kemal to utter his first tortured words, *hele! hele! Speak! Speak!*

Blood Tie is far from a perfect novel. It introduces much more than it can handle, and its events occasionally fail to be credible or relevant. The writing at its best is eloquent and vivid and handles amazing quantities and qualities of information, but its editing—remember when there were real editors, and politicians were honest, and doctors made house calls?—has sloppily permitted obscurities such as "She did not fear the darkness. . . . She only dreaded it," and one strange sonic boom: "what she had looked for for four years."

But the dominant impression is of a dazzling perceptivity, a sharp intelligence, and wide-ranging knowledge—*everything* is of interest and deserves time and consideration—and, built on those qualities, an understanding that one can only call wisdom. Perhaps better novels were published last year (who has read them all?), but *Blood Tie* will do just fine, thanks. The committee has justified itself by its choice. *Mashallah!* □

Living in History

THE HILL OF EVIL COUNSEL. By Amos Oz. Harcourt Brace Jovanovich. 210 pp. \$7.95.

NORMAN KOTKER

History surrounds us. We live in it the way we live in air. We walk through it continually, but scarcely pay attention. Unlike the characters in Amos Oz's satisfying new book, *The Hill of Evil Counsel*, we can afford to ignore it, or at least we think we can. But they—young boys, their parents, their neighbors in Jerusalem in 1947—live as if history swirls around them. The oxygen atoms they breathe may once have been breathed by David and Solomon and in the near future, as many of them expect,

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may be breathed again by the Messiah himself. The Holocaust has just ended; the state of Israel is about to be born. Every one of Oz's characters is poised between these two historical events and is part of them.

Oz's book, a collection of three inter-related stories, is in essence about Zionism, that astonishing phenomenon. In the first story, a wife who had left Poland for Jerusalem—"What am I doing in this madhouse?" she asks—drives off in a Rolls-Royce with a visiting British admiral, eastward across the desert toward Baghdad. Britannia rules the desert and the waves both; there's where power, and power's twin, sexuality, are—not with the Jews, at least not with male Jews. In the second story, Uri, a boy who idolizes one of his neighbors, a two-bit revolutionary, learns that his placid parents are hiding a hunted Irgun leader in their house. The leader, not very sympathetically drawn, seems to be

Menachem Begin; in the book other historical figures, among them Ben-Gurion and Martin Buber, appear in cameo roles. In the third story, a bachelor doctor, dying of cancer, plans the defense of his neighborhood to prepare for the outbreak of war, and spends the rest of his time writing letter after letter to his former mistress, a psychiatrist who has left the country for her own promised land, New York. The doctor, ironically, is called Emanuel, "God is with us," a name that promises Israel deliverance from its enemies.

The Hill of Evil Counsel, south of Jerusalem, is according to legend the place where Caiaphas, the high priest of the Jews, conspired to have Jesus crucified. In 1947, it was the site of the mansion in which the British High Commissioner of Palestine lived, exacting vengeance on the compatriots of Caiaphas. It's there that the climax of Oz's first story takes place at a party attended by the parents of one of the young boys who are, along with Zionism, the real focus of the book. There are two of these young heroes, Hillel and Uri. Actually they are not yet heroes. Both suffer too much, persecuted by the neighborhood children and oversuspicious of sex, almost to the point of paralysis. (In their defense it must be said that most of the women Oz creates would make anyone feel unheroic.) But both are, nevertheless, poised at the edge of heroism, like Israel itself.

They are about 10 years old in 1947, watching their elders prepare for war, listening to them reminisce about life in Europe, that enormous grave. Hillel writes a letter to the High Commissioner and another to the King in London. "Our land belongs to us; please get out of the land of Israel at once and go back to England before it is too late." His threat is veiled, but it is apparent. Uri is even more warlike. He prepares battle plans; he works as a lab assistant for Dr. Emanuel who is trying to manufacture homemade explosives, weapons for the forthcoming battle. But the boys are too young for the war that will come in 1948. Oz does not have to point out that they'll have plenty of opportunities to be heroes though. They'll be 19 in 1956; 30 in 1967; 36 in 1973, still eligible for combat. As 10-year-olds, they are surrounded by the heightened language of battle. For war is coming. "The earth shall tremble . . . cities shall be burned to ashes," Uri's idol proclaims. And Uri is thrilled by it. "How I loved to see him swell with rage and then subside into silence," he says. "The war is going to be a tough and bloody one,"

he is told. "Only the generations to come will enjoy rest." History has not provided rest yet.

Oz's characters come alive in a line or two, a whole neighborhood of them; and the neighborhood itself comes alive, with its clotheslines and corrugated metal roofs and scraggly trees. Oz's stories provide a reminder of what a pleasure it used to be to read fiction as a child, to be taken from here to there, to another place with its infinitely fascinating and varied detail, so different from and so much more glamorous than the place of one's own childhood. Perhaps because his protagonists are children, in all but the last and least successful of the three stories, perhaps because Oz writes as if with a child's hand and through a child's mind, there is an incompleteness about these stories—as there is about history itself and

childhood. Indeed all three stories end waiting for the future, looking forward to the growing of a child and of a nation, and by implication to the coming of the Messiah. But the future, Oz cautions us, is as full of questions and dangers as the past. "They say that . . . a new race of peasants is emerging . . .," Dr. Emanuel says. "Jewish children . . . cease to be Jewish children and become Hebrews. A new tough race, no longer timid and persecuted." Very nice! That's the good news. On the one hand. But then of course, since Oz's characters remain Jews, there has to be an "on the other hand." "We turn over a new leaf," Dr. Emanuel says, "only to smudge it with an ancient neurosis." History in a nutshell! *The Hill of Evil Counsel* is a book as complex, vivid and uncompromising as Jerusalem itself. □

Destabilization and Co.

THE ILLUSION OF PEACE. By Tad Szulc. The Viking Press 822 pp. \$17.50.

THE WRONG HORSE. By Laurence Stern. Times Books. 163 pp. \$12.50.

ALEX BEAM

The squabble for historical "turf" has begun. Henry Kissinger, fresh from rewriting the brief history of Eurocommunism for an NBC television audience will treat us to some "original" views of his foreign-policy stewardship in his memoirs. Richard Nixon will publish his valedictory this month. One can only hope that more books like Laurence Stern's *The Wrong Horse* and Tad Szulc's *Illusion of Peace* will appear to defend the record from the apologists.

Tad Szulc and Laurence Stern are two of America's best diplomatic journalists. Szulc, who has won the Pulitzer Prize, has had the signal honor of being expelled from both Portugal and Czechoslovakia for excessive reportorial candor. His revelations of U.S. duplicity in Chile and SALT politicking bedeviled the Nixon administration enough to make him a victim of the "Kissinger wiretaps." Stern is a *Washington Post* editor with extensive experience in the Mediterranean. Their books examine the foreign policy events of the Nixon-Kissinger years: Stern from up close, probing the diplomatic minutiae of the 1974 Cyprus crisis; and Szulc

from an all-inclusive perspective analyzing U.S. foreign affairs in the years 1969-74. From either end of the telescope, the territory looks depressingly familiar.

Stern views the Greece-Turkey-Cyprus confrontation as "a metaphor for American foreign policy failure under the leadership of Henry Kissinger." His choice is appropriate, for the Greek scenario, where heavy CIA support for a military "client" dictatorship gummed up the foreign policy machinery, is repeated in Vietnam, Cambodia and elsewhere during the Kissinger years. The colonels were great favorites of the Greek-American staff of the Athens CIA station (and also of their American military counterparts, one of whom labeled the junta "the greatest government since Pericles"), and their close "working relationship" enabled the colonels to manipulate American policy in Greece.

The co-optation of U.S. policy peaked on the eve of the colonels' attempt to overthrow the Cyprus Government of Archbishop Makarios in the summer of 1974. In the two weeks preceding the putsch the pro-junta CIA station twice reported incorrectly that General Ioannides, chief of the military police and Athens strongman, had decided against invading Cyprus. Furthermore, the American Ambassador in Athens refused to convey a message from Washington warning Ioannides of the coup—the military dictator preferred to communicate through his cronies in the CIA

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station, while the Ambassador thought it beneath his dignity to "make diplomatic démarches to a cop." As a result, an intelligence brief predicting stability in Greek-Cypriot relations landed on analysts' desks in Washington just as Greek tanks began shelling the Presidential palace in Nicosia.

News of the coup arrived in Washington at the height of the Watergate crisis (Nixon resigned less than a month later) and the Kissinger State Department reacted with the customary diffidence reserved for "minor events." One of Stern's sources comments that "He (Kissinger) didn't seem to attach much importance to what had happened." Bad news for Cyprus was good news for the State Department, however, since Secretaries of State well before Kissinger had been anxious to vacate Makarios, "the Castro of the Mediterranean." On hearing that the popular Archbishop had survived the attempted coup, one U.S. diplomat merely muttered, "How inconvenient."

The affair became even more "inconvenient" when Kissinger failed to prevent Turkey from invading Cyprus, and when popular pressure forced America's friends, the Athenian colonels, to return Greece to civilian rule. Kissinger tried to pacify the Greek and Turkish leaders with thrice-daily telephone calls, but his diplomatic "magic" could not keep the two NATO allies from each other's throats, nor did it stop Turkey from mounting a massive second-stage invasion after a cease-fire had been proclaimed on the island. "Henry's" slipshod handling of the crisis and his subsequent attempt to hide a State Department legal memorandum which condemned Turkey for attacking an ally with American weapons led Congress to embargo arms deliveries to Turkey. In the end, Kissinger's policy "tilt" toward Ankara poisoned the already strained relations between the United States and the democratic forces in Greece.

Kissinger derided his critics who viewed the Cyprus events as "a morality play." By reacting with indifference to the anti-Makarios coup yet responding testily when Congress questioned his prerogative to pursue an illegal and irresponsible East Mediterranean policy, Kissinger acted in the best tradition of his intellectual mentors—Britain's Lord Castlereagh and Austria's Prince Metternich. Cautioning Tsar Alexander against intervention in the Greek revolution of 1821 they insisted (as Kissinger wrote in his history of the period, *A World Restored*) "that humanitarian considerations were subordinate to maintaining the consecrated structures

of Europe which would be jarred to the core by any radical innovation." Kissinger unfailingly placed his bets on the "consecrated structures" of the status quo. When political change came to the Eastern Mediterranean, his political bets were on the wrong horse.

Stern has created a minor masterpiece, a tightly knit account of a crucial foreign policy vignette based on extensive post-mortem interviews with all of the participants. By contrast, Tad Szulc's *Illusion of Peace* offers a panoramic tour of the Nixon-Kissinger foreign policy from the pre-inaugural decision to "decisively" escalate the Indochina bombing to the final botching of the Cyprus crisis. Here is Nixon's plenty: "savage blows" in Vietnam; "historical openings" to China and the USSR; "national security wiretaps"; "destabilization"—and the illusion of peace.

Szulc is an expert on many of the issues that constantly resurface in the Nixon-Kissinger narrative—Vietnam, SALT, Chile, détente—and more than once he writes of an event in which his own scoops for *The New York Times* play a historical role. His breadth of perspective is invaluable—in one book we can follow Nixon's Vietnam, Mideast, détente and economic diplomacy from beginning to end. The narrative scope highlights the author's in-depth knowledge of the Vietnam diplomacy with its curious sideshows in Islamabad, Moscow and Peking, includ-

ing such tidbits as Kissinger's half-hearted attempt to cut a Vietnam deal with the Soviets during the 1972 Moscow summit, or the roles of Pakistan and France in our China diplomacy. Unfortunately for the author some of his original material has already leaked into the public domain, but this work still stands as the most complete and well-informed account of the Nixon diplomacy to date.

Szulc's work is enhanced by frequent quotations from a private library of confidential policy documents from the Nixon years, notably National Security Study and Decision Memoranda (NSSMs and NSDMs), the seminal texts of the Nixon-Kissinger diplomacy. One of his gems is a State Department legal memorandum which details the possible "interpretations" of the Vietnam peace accord signed by Kissinger and Le Duc Tho in 1973. The memo is a monument to the legal conjurer's art, and reveals much about our intentions vis-a-vis the Paris settlement. The agreement called for the dismantling of all U.S. bases in Vietnam, a provision which the Americans deftly sidestepped by transferring the titular ownership of all their bases to the South Vietnamese just before signing the accord. Likewise war materials were not to be given over to the Thieu regime after the cease-fire, but the State Department's finicky legal adviser noted that it was unclear "whether transfer of title or transfer of possession is the critical act."

THEN

*I see the four of us coasting
down the steep hill on our bikes,
hair streaming behind us like
Blake's angels. The curves yielded
to our hard grace; we banked and dived like hawks.
And you, shooting off from us
into the field, bike upright,
travelling through green, your head
and shoulders miraculously appearing
above the rows of corn, as if
you were walking on water.*

*How we rode the tightrope
of absurdity, we four equilibrists,
our lives cutting through
the world's material like ice-boats,
prows sharp and steely.
Not a berg whose mass we couldn't tame,
not a stump we couldn't tack off from, slender-hulled.
We glistened. People stopped
in their tracks to look after us,
awed, as we lifted, shining, above them.*

Beth Bentley

This same wizard discovered "interpretations" of the agreement which "allowed" us to upgrade the Saigon police in direct contravention of the accords. As one U.S. diplomat acknowledged, "We have taken advantage of certain ambiguities" in the pact.

Szulc documents the gradual appearance of the Nixonian *délire* with the advent of massive anti-war protests and the deepening of the Watergate inquiry. Nixon's penchant for exaggerating and cheapening the historical importance of events was unerring: from Peking's Great Hall of the People the President reminded his audience that "more people are seeing and hearing what we say than on any other such occasion in the whole history of the world." Similarly he called the Smithsonian Agreement on the devaluation of the dollar "the most significant monetary agreement in the history of the world." During a meeting with the Pope, Nixon made a particularly tasteless comment on the relations of the sword and the robe; after leaving the Vatican, he stated

I am going to be visiting in a short time the mightiest fleet that has ever been assembled in the history of the world. I know, however . . . that there is another power in the world, a power that transcends even the great military strength that we may have . . . It is the power of the spirit.

Late in his abbreviated career we find Nixon at Henry Kissinger's State Department swearing-in ceremony pointing out that Kissinger was the first Secretary of State who didn't part his hair. The President displayed his open-mindedness by adding that "the parting of the hair has no relevance to the functions of Secretary of State." Szulc is not the first author to highlight the deranged aspects of Nixon's character, but the President's *lapsae* appear more shocking when juxtaposed with summit meetings and nuclear showdowns.

The virtue of Szulc's book—its thoroughness—is also its weakness. Too often the author includes lengthy portions of platitudinous policy documents which are the chaff of history. His dutiful extracting of each year's "State of the World" message saddles the reader with materials which the author himself describes as "bombastic, hortatory and overblown." Szulc is also the too willing slave of chronology: in the midst of an 11-page treatment of Indochina policy during the summer of 1970, he inserts an unrelated paragraph about a meeting between Nixon and the President of Venezuela. A minute-by-minute account of the President's schedule dur-

ing the Yom Kippur war includes such irrelevancies as the text of Nixon's "Dear Ted" letter to the resigning Spiro Agnew and a brief description of the awards ceremony for the National Medal of Science. Too often the author catalogues extraneous events, diminishing the overall effect of his lively reconstruction of the Nixon diplomacy.

Szulc is long on narrative but short on analysis. He occasionally dissents from the current Nixonophobia by choking out a compliment or two for the détente efforts with China and the USSR, but more frequently he echoes familiar anti-Nixon rhetoric. Like others before him, Szulc lambastes the administration for its inattentiveness to South American and African politics and for its willful ignorance of world economic problems. ("First-class minds don't worry about economics" was the excuse offered by one White House official.) Though it is no exoneration of Nixon, he was no more or less a victim of diplomatic myopia than the men who preceded or succeeded him in office. Eurocentrism has blighted U.S. foreign policy since the turn of the century, and American Presidents have always preferred the romantic intrigue of political diplomacy to the dismal complexities of intractable international economic issues.

Moreover, we have had only the "illusion" of peace—and 183,000 battle deaths—since World War II. Is it any surprise that the nation subsidizing the extermination of Greek Communists in 1949 was backing a reactionary "wrong horse" in 1974? Is it surprising that a country which devotes 30 percent of its national budget to war-making can maintain only the "illusion" of peace? There are few pretty stories in American postwar diplomacy, and these two books provide no exceptions. □

FILMS

ROBERT HATCH

When a man of substance decides on the eve of Good Friday to invite twelve of his subordinates to dine with him, it is difficult to overlook the possibility that, however generous his impulse, he is casting himself in an exalted role. That is the central situation of *The Last Supper*, directed and written (with others) by Tomás Gutiérrez Alea, a leading Cuban film maker known in this country for *Memories of Underdevelopment* (1968).

The events of *The Last Supper* take

place on a Cuban sugar plantation toward the end of the 18th century, a time of prosperity and anxiety. The slave rebellion in Haiti has destroyed its sugar industry, and the Cuban planters are reaping the profit and hoping to avoid the contagion of insurrection. During Holy Week, the owner of the plantation, a Count residing in Havana (Nelson Villagra), arrives for a periodic inspection of his property. Soon thereafter an escaped slave is brought in and the Count is distressed by the savage punishment the man receives. He speaks to his overseer, suggesting that the slaves be treated with more compassion, and particularly that more thought be given to their religious training. The overseer replies that the quotas of cane must be sustained, and for that argument the owner has no answer.

Nevertheless, the Count is a man of deep religious convictions; a believer in the immanence of Christ and the reality of Heaven and Hell. He reveals to the resident priest that he is uneasy in his soul, estranged from his Maker; and it is as an act of contrition that he conceives the vivid, not to say dubious, re-enactment. I believe that the ensuing scene, photographed in the rich colors and with the luxurious details of a Renaissance altarpiece, will prove to be one of the memorable experiences of the screen. It goes on for a considerable time and is so rich in personality and incident, so crowded with humor, irony, eloquence, passion, absurdity and terror that in the space here available I can do no more than touch on it.

As one would expect, the festivities begin rather stiffly, with some at least of the slaves trying to imitate the table manners of their master. But when the guests understand that they are truly welcome, and as the wine flows, the evening begins to succeed. The Count instructs his companions in the meaning of the Holy Sacrament, not entirely to his satisfaction because the others begin laughing over the fact that at least one of them was once a professing cannibal. Further, a man rises to tell a tale from African folklore that places the metaphor of nourishment in a different context. He combines eloquence of speech with a manic style of dancing that is at once witty and a little frightening. (I am sorry that I cannot give his name: except for Villagra, the excellent cast is listed without role identification.) Symbols and rituals, one sees, do not translate readily from culture to culture. Nor does the Count fare much better with his emotional recollection of St. Francis's instruction that the greatest happiness one can know, the "perfect

paradise," is to make God a gift of one's suffering. The slaves greet this spiritual view of their daily experience with disbelieving laughter.

But by then he is well into drink and expansive. He encourages the slaves to talk of their lives, deplores the injustices they endure, joins them in criticizing the overseer, assures them of his solicitude for them all—and falls into his plate.

Next morning early the Count takes horse for Havana and his disciples of the evening, confident that he does not mean them to work on Good Friday, lie abed. The overseer means otherwise, and employs his whip to make his meaning plain. The slaves, their ears still ringing with their master's words, revolt, seize the overseer, and put torches to the buildings; blood flows. A messenger rushes to overtake the Count who rounds up a posse and speeds back to the plantation. There, enraged by the destruction, he orders retribution and vows that a new mill will be built on the spot and dedicated to the glory of God. One of the twelve—the runaway whose recapture had triggered these bizarre and brutal events—escapes and is last seen bounding to freedom, his feet seeming to topple the hills as he races in exultant slow-motion into the future.

The Last Supper can be read at the rather simple level of that closing celebration of man's invincible demand for freedom, and I have no doubt that the present leaders of Cuba are confident that audiences there will so read it. But Alea's ethical concern goes deeper than that and has a broader implication than the evils of a master/slave relationship. It examines the evasion of responsibility and the transference of guilt. At one point, the Count tells his overseer in effect: "do what you must, but don't tell me." Of course, that sort of thing, of which there is a good deal, drips with hypocrisy; it makes you want to snort and indeed there were recurrent jeers in the audience where I sat. But let those who are innocent of cant raise the first jeers.

We all pay taxes to support the police. I don't suggest we should not, but a loyal constabulary does more than keep us safe; it spares us the sight of a good deal of desperation. Coal is mined; we enjoy its heat and are immune from its black lung. A President assures us in his memoirs that events were forever forcing him to make "difficult" and "painful" decisions that consistently inflicted the maximum suffering on the greatest possible number of

victims. In short, a good deal of our inattention is devoted to keeping our own skirts clean. I fear it is unavoidable and I'm sure that the best of us sin by proxy as little as possible. But it strikes me also that, in presenting the Count from Havana, a devout servant of God who could no more imagine a world in which he did not own a sugar plantation than his slaves could imagine the "perfect paradise" of welcoming torment as a gift for God, Alea was getting at something more than a denunciation of the line of tyranny that stretched from 18th-century one-crop feudalism to Batista—an overseer, if ever there was one. □

THEATRE

HAROLD CLURMAN

Hugh Leonard's "*Da*" is a darlin' play (Morosco Theatre). Apart from description of its argument and acting, little more need be said about it. For as my friend answered someone who asked her if she had liked a certain show, "What's not to like?"

"*Da*" presents an Irishman of 42, long resident in London, who on his father's death in 1968 returns to Eire and remembers his early days at home. His father, who is given no other name but "Da," comes alive in his memory and is seen in person on stage. The son is identified as Charlie Now (Brian Murray) and another actor (Richard Seer) is called Young Charlie. At various times all, including Charlie's mother, occupy the scene at the same time, teasing, challenging, questioning, and quarreling as they did when all were much younger. Charlie's memory reaches back to other people in his past: a pal, a former employer and a girl with whom he fails to have his first sexual contact.

Actually Charlie is only Da and Mother's foster son; he is the illegitimate offspring of persons unknown, but though in his boyhood he suffered shame on this score, he has always been treated and regards himself as the proper and only son of his elected parents.

Da was an uneducated and ignorant gardener, a knucklehead if there ever was one. Like a "typical" Irishman of his class, he thought England Satan's habitat, favored Hitler because the fellow was fighting the English; but, while he entertained other stupid notions as if they were gospel he had one saving grace: he was thoroughly content with his lot and endlessly optimistic. He was on the one hand cheated by almost everyone and pathetically obsequious to his

superiors; on the other hand, he was devoted to the flowers and plants he grew and, though obstreperous and rhetorically colorful in imprecation, bore hardly anyone a grudge. His outbursts of indignation and threats of violence in no way mitigated his fundamental and perpetual cheerfulness.

Long oppressed by Da's dimwittedness so that he seems to hate him—and often says he does—Charlie cannot overcome an everlasting attachment to the old geezer. The opposite of love, he muses, is still love. So we are induced to laugh at, and become fond of, the exasperatingly benighted Da because of his abiding good nature, the odd eloquence of his tongue, and then too because of the epic proportions of his foolishness. Though we cannot hold it altogether foolish when we learn that on his death Da left a small amount of money to Charlie, money he had saved from the sums Charlie had sent to support him!

It occurred to me—how could it escape anyone?—that the play was based on a number of clichés. Yet they are clichés—a privilege of the Irish—that always seem to work. People melt in their presence. The very simple-mindedness and a certain irate humility, a kind of innocence and quasi-resigned long suffering make the "type" lovable, especially to theatre audiences, though no play by the best Irish dramatists—Synge and O'Casey—has ever proved a popular success in America.

In addition to the relish in the speech common to all plays of the same vintage, there are in "*Da*" some genuinely funny lines which save the dialogue from monotony in the repetitiousness of the main characterizations. Then too, along with the central figure of the never-to-be-discouraged Da, there is a portrait of the dour Irishman, head clerk of a big business firm, Mr. Drumm. He is a severe disciplinarian, tolerant of his much less intelligent countrymen in a manner hardly distinguishable from contempt. (But then he takes a dim view of life in general.) It is he who says that the national disease of the Irish is not bad manners but no manners. I rather liked him, indeed I almost preferred him to Da.

A critical aside is the fact that certain critics, usually strict in their insistence on solid or "classic" dramatic structure, are so touched by the sentiment (not to say sentimentality) in "*Da*" that they readily forgo such demands in its case.

Barnard Hughes brings great ease and warmth to the role of Da. He is entirely at home in it and makes us not only accept but enjoy the man because he appears to be "inevitable," part of na-

ture: to protest that Da is maddeningly dense becomes irrelevant.

No less good in an entirely different sort of part is Lester Rawlins as the frigid-faced, cynically and alarmingly correct Mr. Drumm, who is stoically accustomed to put up with his impossible

countrymen. This is Rawlins's most successful characterization—stiff in posture, deliberate and coldly clipped in address—and he has a long list of appearances behind him. We need him and his part in the play to supply some acid sanity to what might otherwise become gooey. □

ARCHITECTURE / JANE HOLTZ KAY

Do not those live contrary to nature who require a rose in winter and who, by the excitement of hot water and an appropriate modification of heat, force from winter the later blooms of spring? —Seneca

A year or so ago, Billie Britz didn't know where to find roses in winter. Though a historian and scholar of municipal greenhouses, she was hard pressed to list the fifty or so conservatories that once loomed large in cities across America.

These greenhouses might measure 60 x 60 feet—not easy to hide, you would think. But, she complains, "One of my hardest times is to find out if a town has one. I call up everywhere. I call the park department: Do you have one?" A pause as the supposed greeners of America mulled over the subject; then, denial that they exist. "Finally," she went on, "I would drive through a park and there it was."

Now, of course, one of the most visible of the architectural species has reopened—the municipal conservatory in the Bronx Botanical Garden is grand and glorious again, restored to its Crystal Palace splendor. And, yet, for all its herculean dimensions and painstaking restorations, it is not the only horticultural monolith awaiting or experiencing a rebirth across the country. While Britz can't find them and many cities have lost them (Boston and Philadelphia among others), still other centers of civic gardening cling to their sites. Today turn-of-the-century glass elephants sit in a doubtful zone between life and death, sometimes as weepy as the city parks that house them, sometimes in a more promising state.

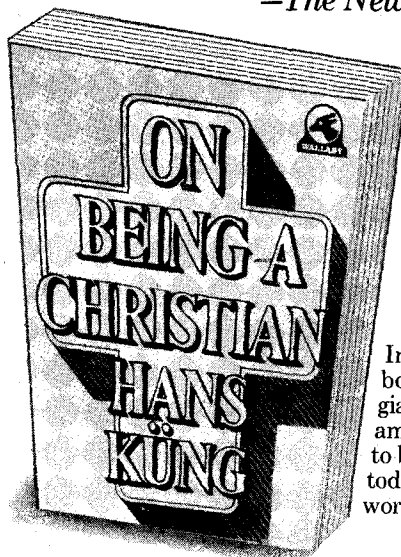
Inspired by the Victorian affluence that encouraged super-living, super-charity, as well as super-poverty, they range from the well-maintained conservatory in San Francisco's Golden Gate Park to Jay Gould's Lyndhurst, the record-holder of the lot. Languishing is a "bulbous Saracenic aviary" that once provided beaches in midwinter for the Gould table and held \$100,000 worth of "Sundry Plants" beneath its onion-shaped dome.

Trust for Historic Preservation. It made a lively public park. But how could a struggling preservation group keep up the greenhouse glass and trim? When Britz first visited there, the glass panes were tumbling down in hunks. "You'd stand there on a windy day and it was just like rain." Even with money spent to stabilize the forlorn greenhouse, it is a glass skeleton. Waist-high weeds are ghosts of the greenery of another day and its fate is on the block, a still beautiful but bleak picture.

So much for private glass-iloquence. As for more public conservatories—"Glass was flying out, going down and down and down," is how Carlton Lees describes the roof of the New York Botanical Garden four years ago when he arrived. Why should it go otherwise, he might well have wondered. Well-heeled plant benefactors indulging their horticultural impulses moved with the spirit of the times: the new greenhouses (and new ones are not rare) have been hyper-mechanical and gymnastic, like the three-quarter-acre new geodesic Climatron in St. Louis and the paneled greenhouses in Chicago and Minneapolis. "It looks like the NASA center," the head of education at Denver's new greenhouse describes the dials that climate-

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control its environment. Whatever the ease of operation and the appeal to the crowds, such structures hooked into the steel-gridded cities and the energy-draining life style of our day, while the low-energy, lovingly tooled conservatories of the past foundered.

None of our city crises have abated; city budgets are still short and parks have low priority. And yet green fever seems to have hit some cities. Pegged to restoration impulses and, perhaps, to the phenomenon that every window ledge sports its potted plant, the municipal greenhouses have held on. In Pittsburgh, the Phipps Conservatory, an 85-year-old structure, will come back. A city property that deteriorated from administration to administration, the structure had reached a point where it had to be saved or razed as hazardous to health. In the nick, a committee based in the city's pace-setting Pittsburgh History and Landmark Foundation, pulled in the steel and glass industries of the town and started raising funds. The conservatory, set in 468-acre Schenley Park as "a bit of country in the city," had hardly outgrown its useful life, and though that life came dear (\$300,000 raised privately and \$2 million in city funds), it earned support. The conservatory's old Richardsonian front was gone but portions of the structure will reopen this fall beneath 21,000 new glass panels.

The Belle Isle Conservatory in Detroit has also lost its fancy trim, stripped away through the indifferent decades. But today it is stable and draws city folk out to the glass house on the 1,000-acre island in the middle of the Detroit River. "We have survived," says Warren Peterson, who runs the place. "We're not in tiptop condition," but half a million people a year journey from Motown via the mainland bridge.

And the crowds are coming also to the New York Botanical Society, which looked likely to lose its 42,000 square

feet under glass. "Like everything else, you almost had to get to the point where everything fell apart," horticulturist Lees recalls. Near-disaster coincided with the green boom and horticultural and preservation architecture now meet beneath the old glass roof.

The merger dates back to the Victorian era, of course, and to Olmstedian notions of park life to soothe and elevate the huddled masses in the city. And, indeed, many of the donors who save the day are kin to the city folk who took their Sunday strolls amidst the opulent greenery of the 19th-century glass houses. In the case of the New York Botanical, Enid A. Haupt was the philanthropist, who gave once and then again.

Nonetheless, preservation cannot bask in old-style noblesse oblige nor programs rest on the contemplation of exotic foliage. "They were jungles," Lees recalls the style of bygone greenhouses. "It was such a hodgepodge." Declining to view the conservatory as a structure sitting on a pedestal, Lees sees the glass-filled skeleton as just that—a skeleton, a frame. A program must sit inside the frame, he says, and serve the space.

A new conservatory must be "more concerned with the relation of plants to man in social terms," Lees goes on. "When you're dealing with a city environment, there are people who are four and five urban generations and I think if we're going to reach these people, it's in people terms." As the New York Botanical Garden sees it, "the problem is to use a 19th-century space in a 20th-century way."

That is the problem everywhere and all conservatories must solve it to survive as more than glass elephants; for all municipal greenhouses (like all municipalities) are caught in the inflationary squeeze: they are paying more for labor ("We have two painters going all the time," says Lees, "when they get to one end, they go back to the other"); and much more for energy ("our fuel bill was \$9,000 in January," says the Buffalo

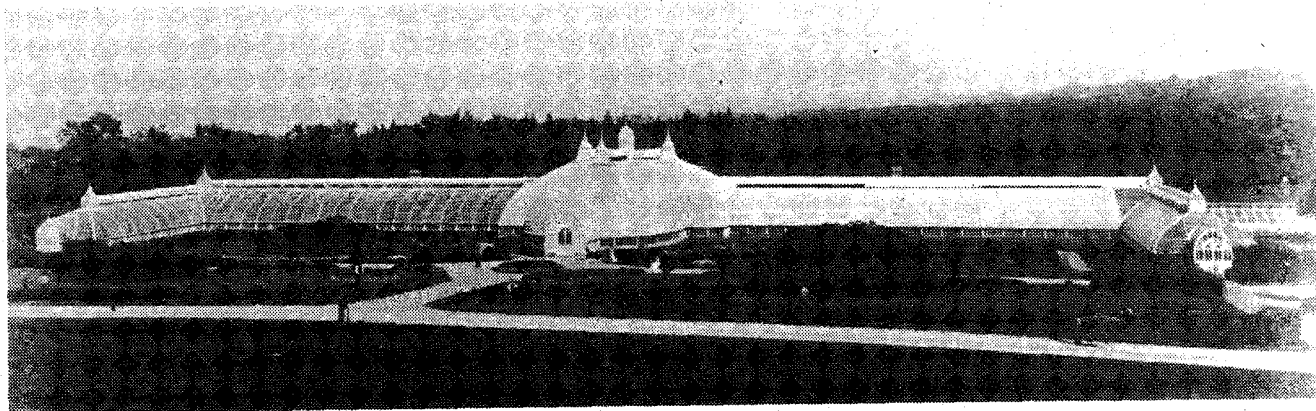
conservatory man). "It's a night-and-day operation," another greenhouse official adds. Combine that with whopping repair bills and you may wonder whether cities should support a rebirth of their conservatories or just let them die.

Who should support the gardens and glass house of Wave Hill—to take the instance of an estate in a more affluent neighborhood of the Bronx (Riverdale), N.Y.—critics hollered a few years ago when eight abutters of this property agitated to keep their open space by selling the place intact to New York City. Virtually an oasis within an oasis, this well-groomed spot sits within a well-groomed corner of untidy New York. Should New York citizens foot the bill?

The question does not faze Marco Polo Stufano, self-described "chief weed puller" of Wave Hill. "It's important for everyone to see that people lived in a way that's gone and left us something that's unique and beautiful," he maintains as we tour the refurbished greenhouse and its manicured environs. "Surroundings," the National Trust policy puts it, "are rings of identity," and as Britz observes, "Our world is so much less without them. Any place you can get a park in the city, it's important."

Walk around the artfully contoured Wave Hill, compare its dollar cost with, say, the \$200,000 spent on the "foliage décor" in just one recent high-rise; match the energy bill with the sums spent to air-freight tasteless tomatoes from California or dump nitrates on some Midwest field, and you agree. Yet the giant beasts do suffer from the 19th-century's grandiloquence. In the 18th century, conservatories stressed scientific inquiry; in the 19th, they showed the bizarre blossoms accumulated in the age of exploration. If the 20th century goes for more show-and-tell, can it merit saving?

To its devotees, a glass conservatory can be a model for a broader life-supporting system—a microcosm of plant and human needs interacting in a compact and controlled environment. "Talk



The Lyndhurst Conservatory

about ecology," Britz enthuses; her 19th-century pets "were energy-free." A masonry wall went on one side, the other was oriented to the sun, while the whole form was narrow enough to hold the warmth. "In a mild winter, they'd never use heat. With normal maintenance, they'd be good for another 100 years."

Even now, the experimenters at the New Alchemy Institute in Woods Hole, Mass. dip into old library books on horticulture and technology for their year-round Cape Cod greenhouse farms. "The strategy we have here is to find the most successful techniques and processes that people have used in the past and some of the newer knowledge," says Earle Barnhart, director of their energy research.

In New Alchemy's three greenhouses, the longest measuring 100 feet, growers mix agriculture with aquaculture: everything from spinach to grapes grows in their terraced space, while inner ponds are stocked with fish and solar energy heats the space. "We're going back before 1900 when they didn't have the pesticides and cheap energy," Barnhart says, to study how architects of the day took the best advantage of light. "People have gone through a phase of being almost gross in terms of heat and fans," he goes on. They haven't been clever at all. As oil decreases, people will have to be more sophisticated in taking care of plants. . . ."

"We're going back to old-fashioned methods," Lees agrees. He thwarted a move to an air-conditioned new conservatory. "How hypocritical can you be!" he exclaimed, describing his reaction to the proposed muscle-flexing gadgetry. "Part of our obligation is to achieve a conservation, to set standards for man and nature in a logical way. We can't contradict ourselves by burning a lot of energy." Thus even a future notion for a Plants and Man Building—for all its Brave New World silhouette—is based on self-sufficiency: there would be cisterns for storing rainwater, use of sunlight, a Cor-Ten (don't paint) frame, and so on, as a "model for both pollution control and energy conservation." If this futuristic structure comes off the drawing boards, it will be no monument, a Botanical Garden brochure insists, but a "functional educational tool."

Tools, models, labs. Could such visions be worked out within the old glass houses? "The greenhouse is so specialized a structure that few, if any, engineering or architectural schools consider it important enough to organize a separate course for study of its design and construction," laments James E. Smith, a teacher of plant-forcing structures at the University of Missouri College of

REMEMBRANCE

*Violet of dusk
lost on Montana rocks.
The sun, far westward,
hesitates
as if to clarify
some old
violence
and let rabbits dance
shadowless.*

*Later,
night whistles
alone
in the mountains.*

Geoffrey Godbey

Agriculture. He complains about failure to innovate: "Solar heating is so much in its infancy that not much information is available for teaching purposes," he has written. Here as elsewhere, the greenhouse giant is in its pedagogical, ecological infancy.

But so too, in a way, is architecture nowadays. So at least are the students of a "long-life, tight-fit, low-energy" mode of design. Would it be too fanciful to suggest that the new values of preservation and conservation could come together into their own in the Victorian conservatories? Could they become pets and models for a more civic, conserving way of life? □

RECORDS

DAVID HAMILTON

ROSSINI: *Tancredi*. Soloists; London Voices. Orchestra of the Centre d'Action Musicale de l'Ouest; John Perras, cond. Arion/Peters International PLD 017/9. \$20.94 (three discs).

Overtures to *Guillaume Tell*, *Le siège de Corinthe*, *La Cenerentola*, *La gazza ladra*, *Semiramide*, *Il viaggio a Reims*. Academy of St. Martin-in-the-Fields; Neville Marriner, cond. Philips 9500 349. \$8.98.

Overtures to *Corradino*; *Semiramide*; *L'italiana in Algeri*; Overture and excerpts from *Il barbiere di Siviglia* (arr. Sedlak). Netherlands Wind Ensemble. Philips 9500 395. \$8.98.

DONIZETTI: *L'elisir d'amore*. Ileana Cotrubas, Plácido Domingo, Ingvar Wixell, Geraint Evans. Chorus and Orchestra of the Royal Opera House, Covent Garden; John Pritchard, cond. Columbia M3 34585. \$23.94 (three discs).

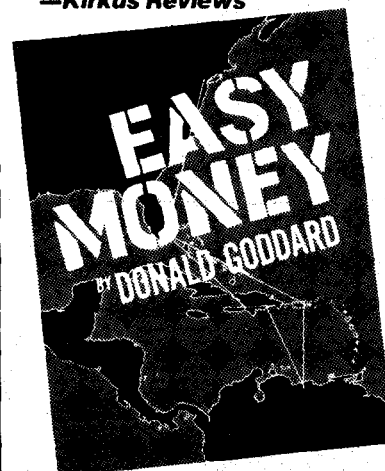
Lucia di *Lammermoor*. Montserrat Caballé, José Carreras, Vicente Sardinero, Samuel Ramey. Ambrosian Opera Chorus; New Philharmonia Orchestra; Jesús López-Cobos, cond. Philips 6703 080. \$26.94 (three discs).

La favorite (sung in Italian). Fiorenza Cossotto, Ileana Cotrubas, Luciano Pavarotti, Gabriel Bacquier, Nicolai Ghiaurov. Chorus and Orchestra of the Teatro Comunale, Bologna; Richard Bonyng, cond. London OSA 13113. \$23.94 (three discs).

Somewhat disconcertingly, the season's most pleasurable recording of bel canto literature is the least "authentic": the contemporary wind band versions of Rossini played by the Netherlands Wind Ensemble. These arrangements, competent hack work by one Wenzel Sedlak, provided *Tafelmusik* for the Viennese aristocracy and are of no interest in themselves. But the elegance of the playing, its rhythmic address and wit of articulation, makes more sense of the music than most modern vocal performances. In any case, these Hollanders play their instruments (and play them together) with a perfection that would be irresistible in any repertoire whatsoever. (Those inclined to more austere fare are directed to the En-

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semble's Stravinsky record, Philips 6500 841.) Marriner's group of overtures (complementing an earlier selection on Philips 6500 878) may be less vividly specific, but it is altogether stylish, neither overwhelming the music with the anachronistic bluster of full symphonic tone or strangling it with rigid, driving tempos.

Tancredi was Rossini's first *opera seria*, written in 1813 when he was but 21. The libretto is slender, a situation prolonged only by the absurd withholding of information to perpetuate a misunderstanding. (An alternative finale, with a tragic rather than happy ending, was performed this season in Houston and New York—too bad it couldn't have been included as an appendix to the recording.) Rossini was later to become a more resourceful composer, but even here one can see how effectively his rhythmic vitality served to invigorate the genre.

The recording teams young English singers, a provincial French orchestra and an American conductor. This spares us the bad habits and personal mannerisms of more famous singers—no bad thing. But Rossini wrote for singers more even and flexible of voice than these, more aware of the declamatory potential of Italian words; along with their technical limitations, these modern singers suffer from limitations of imagination: they cannot, apparently, conceive their roles in terms of the rhythmic vigor and accentual force that would be accessible to voices better formed and trained, to people more at home with the language. There is some fairly good work by Patricia Price (*Tancredi*), and Peter Jeffes (*Roggiero*) offers some real thrust in his single aria (ironically,

his part should really have been sung by a mezzo, not a tenor). To a degree the same general qualifications apply to the orchestra work; the occasional scrapiness aside, there isn't much specificity of detail, while the chorus is fairly awful. Enjoyment is further hampered by the libretto booklet, awkwardly translated and set in almost illegibly small type.

Donizetti hasn't fared much better than Rossini this year. I enjoyed *L'elisir d'amore* at the Met with Judith Blegen and José Carreras, despite the cutesy clichés of the production, and Sarah Caldwell elicited attractive, pointed playing from the orchestra. The Columbia recording is based on a Covent Garden performance of two seasons ago, but with some different principals; despite amiable singing, it founders on Pritchard's ponderous pacing and Geraint Evans's now too apparent vocal deficiencies.

The ostensible *raison d'être* of the new *Lucia di Lammermoor* is a reversion to the original text of Donizetti's manuscript; although this was substantially accomplished in three prior recordings (those featuring Sutherland and Sills), we have here a moratorium on interpolated high notes and other traditional variants. The opening bars of the opera, in firm rhythm and fine balance, are encouraging, but it's soon evident that the good intentions are not shared by the singers, who barge (Carreras and Sardinero) or lounge (Caballé) through the opera in pretty traditional ways. Where the prima donna is concerned, the progress of the music is flaccid and characterization a matter of scooping and drooping, marred by shrill notes

above the staff and some unpleasant vibrato. There's really little point in cleaning up the text if you don't clean up as well the singers' habits of doing what comes easiest to them instead of what will most sharply focus the characters and the action. There is, I think, more of *Lucia* to be heard in the textually corrupt 1953 Callas recording (Seraphim IB 6032, mono) than in this nominally more authentic one.

After encountering López-Cobos as the purist editor of *Lucia*, it was decidedly odd to find him presiding over the Metropolitan Opera's desultory revival of *La favorite* in its garbled Italian edition. (This production was another import from San Francisco, and as tacky to the eye as the earlier *Thais* from the same source, though more disappointing because from the hand of the usually admirable Ming Cho Lee.) The London recording restores all of the music omitted at the Met, but retains the Italian words, printing a synopsis of the somewhat more coherent French version "in order to save confusion!"

The particular character of *La favorite*—its spare but fluent melodies, its somber tone and emphasis on the lower voices (the soprano role a minor one)—though perceptible in the recording, is hardly made vivid. Like most attempts at this literature, on records and in the theatre, this one apparently proceeds from the naive and destructive assumption that all these operas are as alike as peas in a pod and can therefore all be cast from the same stable without any special effort to match voices with roles. The anomalous exception in this case is Gabriel Bacquier, an intelligent, forceful, not particularly fluent singer who sensibly doesn't often deal with this literature; his sound general ideas about how to mold a phrase have very little to do with what is needed here, because he simply can't negotiate the tessitura or the legato and thus can't imagine how a singer who could negotiate them would then phrase the music—much like the young singers in *Tancredi*. (One suspects that Bacquier may have been engaged at a time when it was hoped to record the original French text.) Most of the others are more comfortable in their parts, not much more individual—and Ghiaurov's smeary sound wouldn't be enjoyable even if he sounded less bored. The chorus is woolly, the orchestra uneven, and Bonyng's lively pacing not always the right thing—the big ensembles are hectic and underrehearsed, the intended striking harmonic effects ignored. Though not as off-turning as the Met performances, this is less than Donizetti deserves. □

MARGOT

*She edged from the cupboard
Trying on an old Edwardian hat of her mother's,
The old-world dignity of flared cloth,
The peak poised above her narrow face;*

*Holding the veil to her collar,
She turned to the mirror
And saw her dead mother,
Her rouged cheeks and eyes dimming,
Her hands poised like mouse-paws,
Her diminished face;*

*She came from the cupboard startled,
A fur stole with fox-head
Behind her in the chest,
A hunting-crop and lace boots
Hanging on the wall
Upside-down, their strings trailing.*

Antony Oldknow

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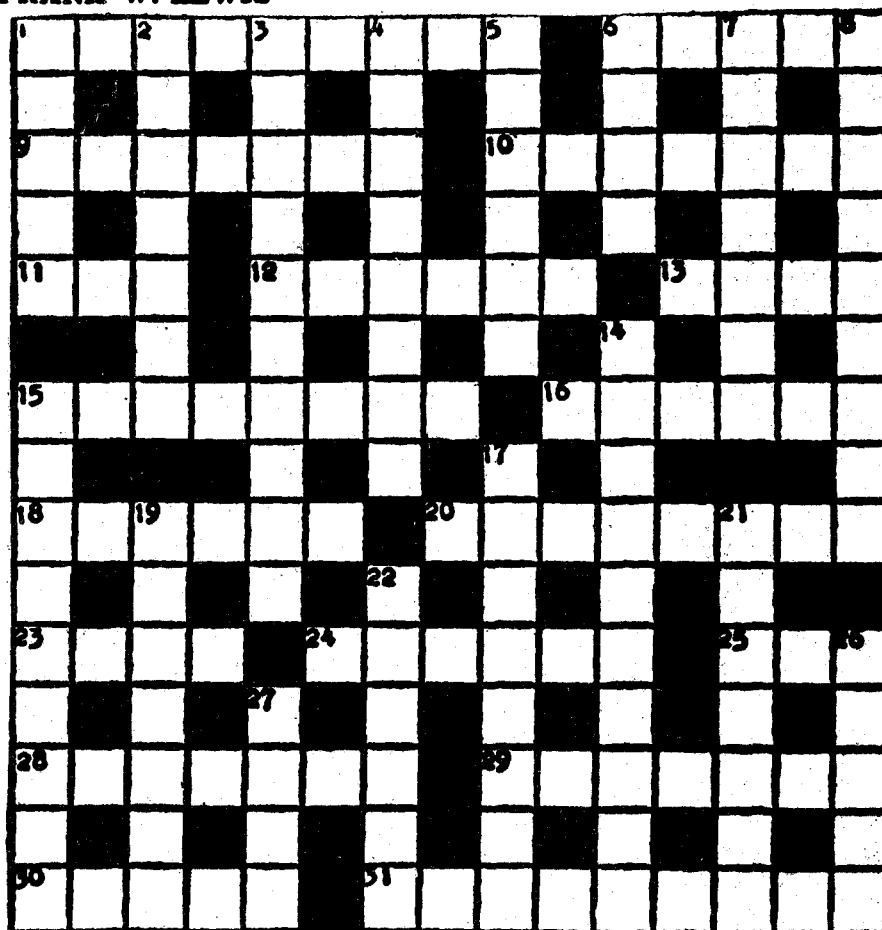
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SOLUTION TO PUZZLE NO. 1726

ACROSS: 1 Stirrer; 5 Dream up; 9 Fustian; 10 Clearer; 11 Trees; 12 Adam Smith; 15 and 18 Mother ship; 21 Inertia; 26 Boastings; 28 Plead; 29 Lets out; 30 Look out; 31 Wickets; 32 Dreamer. **DOWN:** 1 and 13 Safety pin; 2 Instep; 3 Rainspout; 4 Ransack; 5 Declaim; 6 Ewers; 7 Martinet; 8 Purchase; 16 and 14 Telephone book; 17 Rho; 18, 20 and 23 Hit below the belt; 19 Pedantic; 22 Agnates; 23 Bustled; 24 Reform; 25 Editor; 27 Thole.

Crossword Puzzle No. 1727

FRANK W. LEWIS



ACROSS

- 1 and 20 From 15 down to what one might put on the table, this is very complete. (4,5,2,6)
- 6 One version of early Irish writing. (Go back to an early Biblical character to find it.) (5)
- 9 They shouldn't properly be business trips. (7)
- 10, 11 and 15 down Good advice with a story of a leader of Israel during Genesis, perhaps. (5,2,3,9)
- 12 Class might be wearing, but not so much as before. (6)
- 13 Indian dance, colloquially, with one.
- 15 What might be found in the ring (in spectator sport) and in the middle (in active game) might be one jump ahead of you. (8)
- 16 Could it be more pure, in a sense, and still wither the possible outgrowth? (6)
- 18 See 25 across
- 20 See 1 across
- 23 Bill, you might take more than one during the 12! (4)
- 24 You might look for logs in them, or perhaps more finished wood for furniture. (6)
- 25 and 18 Make a sort of joke in kindly (though biting) fashion. (9)
- 28 A form of element is nothing to drink to excess! (7)
- 29 Probably not boarding if you're just doing this. (7)

- 30 23 found on the bank might be this on back. (5)
- 31 See 1 down

DOWN

- 1 and 31 across A demand for the appearance of only a middling facade? (5,3,6)
- 2 Nothing at breakfast, for example, but this? (7)
- 3 Not where the IRS keeps its "Married and Filing Jointly" returns, as you might follow. (6,4)
- 4 One might dictate what your taxes will be. (8)
- 5 and 19 down A questionable stage line? (2,2,2,3,2,2)
- 6 One probably has to be indulgent with this. (4)
- 7 Shakers probably have one, for the sake of charity. (7)
- 8 She's the boss in the family! (9)
- 14 Daisy-type apart, it might be a supermarket. (5,5)
- 15 See 10 across
- 17 Caught, familiarly, with a ring around the neck. (8)
- 19 See 5 down
- 21 It's probably only an impression, but they say it's one way to bestow a kiss.
- 22 Is whipped cream a thing to take a shot with? (6)
- 26 A very long reign broken in Africa? (5)
- 27 A couple of movies were this yesterday, and free. (4)

SEE LAST WEEK'S SOLUTION AT LEFT

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